

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1959

5 By: Representative House  
6

## For An Act To Be Entitled

8 AN ACT TO REQUIRE THAT RETAIL ESTABLISHMENTS MAKE  
9 EMPLOYEE RESTROOMS AVAILABLE TO INDIVIDUALS WITH  
10 CERTAIN MEDICAL CONDITIONS; AND FOR OTHER PURPOSES.  
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## Subtitle

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13 TO REQUIRE THAT RETAIL ESTABLISHMENTS  
14 MAKE EMPLOYEE RESTROOMS AVAILABLE TO  
15 INDIVIDUALS WITH CERTAIN MEDICAL  
16 CONDITIONS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 20, Chapter 14, Subchapter 3, is  
23 amended to add an additional section to read as follows:

24 20-14-309. Restroom access.

25 (a) As used in this section:

26 (1) "Customer" means an invitee lawfully on the premises of a  
27 retail establishment;

28 (2) "Eligible medical condition" means Crohn's disease,  
29 ulcerative colitis, inflammatory bowel disease, or another chronic medical  
30 condition that requires immediate access to a restroom facility; and

31 (3) "Retail establishment" means a business or place:

32 (A) To which a member of the public has access as an  
33 invitee or licensee; and

34 (B) That is regulated by a city, county, or other  
35 political subdivision of the state through the issuance of a business license  
36 or business permit for which the business or place is required to pay a fee.



1       (b) A retail establishment that has a restroom facility for its  
2 employees shall allow a customer to use the employee restroom facility during  
3 normal business hours if:

4           (1) The customer requesting the use of the employee restroom  
5 facility suffers from an eligible medical condition or uses an ostomy device  
6 and produces evidence of the condition or device in documents issued by the  
7 customer's physician;

8           (2) Three (3) or more employees of the retail establishment are  
9 working at the time the customer requests to use the employee restroom  
10 facility;

11          (3) The retail establishment does not normally make a restroom  
12 available to the public;

13          (4) The employee restroom facility is not located in an area  
14 where providing access would create an obvious health or safety risk to the  
15 customer or an obvious security risk to the establishment, and

16          (5) A public restroom is not immediately accessible to the  
17 customer.

18       (c) A retail establishment or an employee of a retail establishment  
19 is not civilly liable for an act or omission that causes injury or damage to  
20 another in the process of allowing a customer who presents evidence that he  
21 or she has an eligible medical condition to use an employee restroom facility  
22 that is not a public restroom if the act or omission occurs in an area of the  
23 retail establishment that is not generally accessible to the public.

24       (d) This section does not require a retail establishment to make a  
25 physical change or improvement to an employee restroom facility located on  
26 the premises of the retail establishment that is not otherwise required under  
27 another federal or state law.

28       (e) A retail establishment that cannot comply with the requirements of  
29 this section because of safety, security, insurance requirements, or another  
30 valid reason as determined by the proprietor shall post a sign within one  
31 foot (1') of the entrance or entrances in one-inch letters or larger that  
32 states, "No Public Restroom."

33       (f) A city, county, or other political subdivision of the state that  
34 requires and issues a business license, retail permit, business permit, or  
35 another regulatory license or permit to a retail establishment within the  
36 city, county, or other political subdivision of the state and requires a fee

1 to be paid for the business license, retail permit, business permit, or  
2 another regulatory license or permit shall incorporate this section into the  
3 municipal, county, or other regulatory code and shall notify its licensees  
4 and permittees of the requirements of this section when the license or permit  
5 is issued or renewed.

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