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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 1015**

February 15, 2007

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The bill was read for the first time and referred to the Committee on Commerce and Labor

March 27, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act  
1.2 relating to commerce; regulating customer access to restroom facilities;  
1.3 proposing coding for new law in Minnesota Statutes, chapter 325E.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[325E.60] RESTROOM ACCESS.**

1.6 Subdivision 1. **Short title.** This section may be cited as the Restroom Access Act.

1.7 Subd. 2. **Definitions.** For purposes of this section:

1.8 (a) "Customer" means an individual who is lawfully on the premises of a retail  
1.9 establishment.

1.10 (b) "Eligible medical condition" means Crohn's disease, ulcerative colitis, any  
1.11 other inflammatory bowel disease, inflammatory bowel syndrome, or any other medical  
1.12 condition that requires immediate access to a toilet facility.

1.13 (c) "Retail establishment" means a place of business open to the general public  
1.14 for the sale of goods or services. Retail establishment does not include a filling station  
1.15 or service station with a structure of 800 square feet or less that has an employee toilet  
1.16 facility located within that structure.

1.17 Subd. 3. **Retail establishment; customer access to restroom facilities.** A retail  
1.18 establishment that has a toilet facility for its employees shall allow a customer to use that  
1.19 facility during normal business hours if the toilet facility is reasonably safe and all of  
1.20 the following conditions are met:

1.21 (1) the customer requesting the use of the employee toilet facility suffers from an  
1.22 eligible medical condition or uses an ostomy device;

1.23 (2) three or more employees of the retail establishment are working at the time the  
1.24 customer requests use of the employee toilet facility;

2.1 (3) the retail establishment does not normally make a restroom available to the  
2.2 public;

2.3 (4) the employee toilet facility is not located in an area where providing access  
2.4 would create an obvious health or safety risk to the customer or an obvious security risk  
2.5 to the establishment; and

2.6 (5) a public restroom is not immediately accessible to the customer.

2.7 Subd. 4. **Liability.** (a) A retail establishment or an employee of a retail  
2.8 establishment is not civilly liable for any act or omission in allowing a customer that  
2.9 claims to have an eligible medical condition to use an employee toilet facility that is not a  
2.10 public restroom if the act or omission meets all of the following:

2.11 (1) it is not willful or grossly negligent;

2.12 (2) it occurs in an area of the retail establishment that is not accessible to the public;  
2.13 and

2.14 (3) it results in an injury to or death of the customer or any individual other than  
2.15 an employee accompanying the customer.

2.16 (b) A retail establishment is not required to make any physical changes to an  
2.17 employee toilet facility under this act.

2.18 Subd. 5. **Violation.** A retail establishment or an employee of a retail establishment  
2.19 that violates this section is guilty of a petty misdemeanor. The fine for a first offense  
2.20 must not exceed \$50.