

RÉSUMÉ DIGEST

ACT 444 (HB 228)

2021 Regular Session

Carrier

New law creates the "Restroom Access Act".

New law defines "eligible medical condition" as Crohn's disease, ulcerative colitis, inflammatory bowel disease, irritable bowel disease, or any other medical condition that requires the use of an ostomy device or immediate access to a restroom.

New law defines "ostomy device" as a medical device that creates an artificial passage for elimination of body waste.

New law defines "retail establishment" as any business whether a sole proprietorship, corporation, partnership, or otherwise that holds or stores articles, products, commodities, items, or components for sale to the public or to other retail establishments.

New law provides that any retail establishment that has a restroom for its employees and does not permit the public to access the employee restroom shall allow individuals to use the employee restroom during normal business hours if all of the following conditions are met:

- (1) The individual requesting access to the employee restroom presents a copy of a written statement, signed and issued by a healthcare provider on the healthcare provider's letterhead or of a facility with which the healthcare provider is associated, stating that the individual suffers from an eligible medical condition or utilizes an ostomy device.
- (2) A public restroom is not immediately accessible to the individual.
- (3) The employee restroom is located in an area of the retail establishment where access would not create an obvious risk to the health or safety of the individual or create an obvious security risk to the retail establishment.

New law prohibits retail establishments from selling prescription drugs or maintains records of information that are subject to a HIPAA violation from allowing restroom access if the restroom is located in an area where the prescription drugs or records of information may be easily accessed.

New law specifies that no retail establishment or employee thereof shall be liable for any act or omission when an individual is allowed access to an employee restroom pursuant to new law if the act or omission meets all of the following requirements:

- (1) It does not constitute gross, willful, or wanton negligence on the part of the retail establishment or an employee of the retail establishment.
- (2) It occurs in an area of the retail establishment that is not otherwise accessible to the public.
- (3) It results in injury or death of an individual other than an employee accompanying the individual to the employee restroom.

New law provides that no retail establishment shall be required to make any physical change to an employee restroom to effectuate the purposes of new law.

Effective August 1, 2021.

(Adds R.S. 40:1123.1-1123.4)