

## **BILL ANALYSIS**

Senate Research Center

H.B. 416  
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Health & Human Services  
4/28/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Millions of Texans are impacted by medical conditions that require immediate access to a toilet facility. Inflammatory bowel disease (IBD), an umbrella term for Crohn's disease and ulcerative colitis, affects approximately 115,000 Texans. Of those affected, 10 percent are under the age of 18. There are more than 40 medical conditions that either permanently or temporarily cause fecal or urinary incontinence.

H.B. 416 requires that a customer who suffers from an eligible medical condition be given access to an employee-only restroom in a retail establishment.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Provides that this Act may be cited as the Restroom Access Act.

SECTION 2. Amends Subchapter D, Chapter 341, Health and Safety Code, adding Section 341.069, as follows:

Sec. 341.069. ACCESS TO RESTROOM FACILITIES. (a) Defines "customer," "eligible medical condition," "physician," and "retail establishment."

(b) Requires a retail establishment that has a toilet facility for its employees to allow a customer to use the toilet facility during normal business hours under certain circumstances.

(c) Requires a customer who uses a toilet facility as authorized by this section to leave the toilet facility in the same condition as it was before the customer used the toilet facility.

(d) Provides that a retail establishment or an employee of a retail establishment is not liable in civil damages for any act or omission in allowing a customer to use an employee toilet facility that is not a public restroom in accordance with this section if the act or omission meets certain conditions.

(e) Provides that it is an offense for an employee of a retail establishment to refuse to provide a customer with access to an employee toilet facility as required by this section. Provides that an offense under this section is a misdemeanor punishable by a fine of not more than \$100.

(f) Provides that a retail establishment is not required to make any physical changes to an employee toilet facility under this section.

SECTION 3. Effective date: September 1, 2007.