

**SENATE, No. 2969**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED JUNE 8, 2015

**Sponsored by:**

**Senator JEFF VAN DREW**

**District 1 (Atlantic, Cape May and Cumberland)**

**SYNOPSIS**

Requires retail establishments to allow persons with certain medical conditions access to employee restrooms.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning public health and supplementing Title 26 of the  
2 Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. As used in this act:

8 “Customer” means a person who is lawfully on the premises of a  
9 retail establishment who is not an employee of the establishment.

10 “Eligible medical condition” means Crohn’s disease, ulcerative  
11 colitis, any other inflammatory bowel disease, irritable bowel  
12 syndrome, or any medical condition that requires the use of an  
13 ostomy device or immediate access to a restroom.

14 “Retail establishment” means a place where merchandise is  
15 displayed, held, stored, sold, or offered to the public for sale. Retail  
16 establishment does not include a filling station or service station,  
17 with a structure of 800 square feet or less, that has an employee  
18 restroom within that structure.

19

20 2. a. Notwithstanding any provision of law to the contrary, a  
21 retail establishment that has a restroom solely for the use of its  
22 employees shall allow a customer to use the restroom during normal  
23 business hours if all the following conditions are met:

24 (1) the customer requesting the use of the restroom suffers from  
25 an eligible medical condition;

26 (2) three or more employees of the retail establishment are  
27 working at the time the customer requests the use of the restroom;

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

30 (4) the restroom is not located in an area where providing public  
31 access would create an obvious health or safety risk to the customer  
32 or a security risk to the retail establishment; and

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

35 b. Nothing in this act shall be construed to require the retail  
36 establishment to make any physical changes to its restroom.

37

38 3. A retail establishment or an employee of a retail  
39 establishment shall not be civilly liable for any act or omission in  
40 allowing a customer with an eligible medical condition to use a  
41 restroom that is solely for the use of employees if the act or  
42 omission:

43 a. is not willful or grossly negligent;

44 b. occurs in an area of the retail establishment that is not  
45 accessible to the public; and

46 c. results in an injury to or death of a customer or any  
47 individual other than an employee accompanying the customer.



1 risk to the customer or a security risk to the retail establishment;  
2 and a public restroom is not immediately accessible to the customer.

3 This bill also stipulates that a retail establishment would not be  
4 required to make any physical changes to its restroom.

5 As used in the bill, “eligible medical condition” means Crohn’s  
6 disease, ulcerative colitis, any other inflammatory bowel disease,  
7 irritable bowel syndrome, or any medical condition that requires the  
8 use of an ostomy device or immediate access to a restroom. “Retail  
9 establishment” means a place where merchandise is displayed, held,  
10 stored, sold, or offered to the public for sale, but does not include a  
11 filling station or service station, with a structure of 800 square feet  
12 or less, that has an employee restroom within that structure.

13 The bill also clarifies that a retail establishment or any of its  
14 employees would not be held civilly liable for any act or omission  
15 in allowing a customer with an eligible medical condition to use the  
16 restroom if the act or omission: is not willful or grossly negligent;  
17 occurs in an area of the retail establishment that is not accessible to  
18 the public; and results in an injury to or death of a customer or any  
19 individual other than an employee accompanying the customer.

20 Finally, a proprietor or an employee of a retail establishment  
21 violating the provisions of the bill would be guilty of a petty  
22 disorderly persons offense and fined not more than \$500 for each  
23 violation.