

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1183 (Delegate Conway, *et al.*)
Health and Government Operations

Finance

Public Health - Retail Establishments - Use of Toilet Facilities by Customers

This bill alters the conditions under which a retail establishment that has a toilet facility for its employees is required to allow the use of the facility by a customer who utilizes an ostomy device or suffers from Crohn’s disease, ulcerative colitis, any other inflammatory bowel disease, or any other medical condition that requires immediate access to a toilet facility. The Department of Health and Mental Hygiene (DHMH) must develop a standard identification card that is available on the department’s website to be printed and signed by a health care provider as evidence of the existence of a customer’s eligible medical condition.

Fiscal Summary

State Effect: DHMH can develop the standard identification card with existing budgeted resources.

Local Effect: The bill does not directly affect local governmental operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: Under current law, at the request of a “customer” (defined as an individual who utilizes an ostomy device or suffers from Crohn’s disease, ulcerative colitis, any other inflammatory bowel disease, or any other medical condition that requires immediate access to a toilet facility) and where a public restroom is not readily available, each retail establishment that has at least 20 employees and a toilet facility for its employees is required to allow the customer to use the facility.

The bill modifies this requirement by specifying that it applies upon the request of a “customer” (defined as an individual who is lawfully on the premises of a retail establishment) who suffers from an “eligible condition” (defined as Crohn’s disease, ulcerative colitis, any other inflammatory bowel disease, or any other medical condition that requires the use of an ostomy device or immediate access to a toilet facility) that is documented with a signed statement, by the customer’s health care provider, on an identification card prepared by DHMH.

In addition, the bill repeals the requirement’s applicability to a retail establishment with at least 20 employees and, instead, specifies that the requirement applies to a retail establishment during normal business hours if at least three employees are working at the time of the request.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2013
mm/ljm Revised - House Third Reader - March 26, 2013

Analysis by: Jennifer A. Ellick

Direct Inquiries to:
(410) 946-5510
(301) 970-5510