
By: **Delegates Mandel, Menes, Goldwater, and Trueschler**

Introduced and read first time: February 9, 2006

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Retail Establishments - Public Restrooms and Toilet Facilities - Customer**
3 **Use and Posting Signs**

4 FOR the purpose of altering the definition of a "customer" in order to require certain
5 retail establishments to provide use of a certain toilet facility under certain
6 circumstances; altering the scope of the requirement for certain retail
7 establishments to allow access to a certain toilet facility; requiring certain retail
8 establishments to post certain signs designating certain restrooms and
9 indicating the location of certain restrooms; requiring the Secretary of Health
10 and Mental Hygiene to adopt certain regulations; establishing certain civil
11 penalties; requiring compliance with this Act on or before a certain date; and
12 generally relating to public restrooms and toilet facilities in retail
13 establishments.

14 BY repealing and reenacting, with amendments,
15 Article - Health - General
16 Section 24-209
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2005 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article - Health - General
21 Section 24-210
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2005 Supplement)

24 BY adding to
25 Article - Health - General
26 Section 24-213
27 Annotated Code of Maryland
28 (2005 Replacement Volume and 2005 Supplement)

29 BY repealing and reenacting, without amendments,

1 Article - Courts and Judicial Proceedings
2 Section 5-635
3 Annotated Code of Maryland
4 (2002 Replacement Volume and 2005 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Health - General**

8 24-209.

9 (a) In this section, "customer" means an individual who[:

10 (1) Suffers from Crohn's disease, ulcerative colitis or any other
11 inflammatory bowel disease, or any other medical condition that requires immediate
12 access to a toilet facility; or

13 (2) Utilizes an ostomy device] IS LAWFULLY ON THE PREMISES OF A
14 RETAIL ESTABLISHMENT.

15 (b) At the request of a customer, and where a public restroom is not readily
16 available, each retail establishment [with 20 or more employees] that has a toilet
17 facility for its employees shall allow the customer to use the facility.

18 (c) Notwithstanding any provision of this section, an employee toilet facility is
19 not to be considered a public restroom.

20 (D) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE
21 PROVISIONS OF THIS SECTION.

22 (E) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
23 NOT EXCEEDING \$25.

24 24-210.

25 A retail establishment and any employee of a retail establishment shall have the
26 immunity from liability described under § 5-635 of the Courts and Judicial
27 Proceedings Article.

28 24-213.

29 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE FOLLOWING
30 MEANINGS.

31 (2) "PUBLIC RESTROOM" MEANS A PUBLIC SANITARY FACILITY THAT
32 CONTAINS A SANITARY FIXTURE.

33 (3) "SANITARY FIXTURE" MEANS A TOILET, URINAL, OR LAVATORY.

1 (B) A RETAIL ESTABLISHMENT REQUIRED TO HAVE A MINIMUM NUMBER OF
2 SANITARY FIXTURES UNDER THE NATIONAL STANDARD PLUMBING CODE AS
3 ADOPTED BY REGULATION BY THE DEPARTMENT OF LABOR, LICENSING, AND
4 REGULATION SHALL:

5 (1) POST A SIGN THAT DESIGNATES A PUBLIC RESTROOM AND STATES
6 WHETHER IT IS A SINGLE SEX OR UNISEX FACILITY; AND

7 (2) POST AT LEAST ONE DIRECTIONAL SIGN IN A LOCATION VISIBLE TO
8 AT LEAST 50% OF THE AUTHORIZED CUSTOMER AREA OF THE RETAIL
9 ESTABLISHMENT THAT INDICATES THE ROUTE TO A PUBLIC RESTROOM.

10 (C) A SIGN POSTED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE
11 CONSPICUOUS.

12 (D) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE
13 PROVISIONS OF THIS SECTION.

14 (E) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
15 NOT EXCEEDING \$25.

16 **Article - Courts and Judicial Proceedings**

17 5-635.

18 (a) In this section, "customer" means an individual who is lawfully on the
19 premises of a retail establishment.

20 (b) A retail establishment and any employee of a retail establishment are not
21 civilly liable for any act or omission in allowing a customer, including a customer as
22 defined in § 24-209 of the Health - General Article, to use a toilet facility that is not
23 a public toilet facility, if the act or omission:

24 (1) Is not willful or grossly negligent;

25 (2) Occurs in an area of the retail establishment that is not accessible to
26 the public; and

27 (3) Results in an injury to or death of the customer or any individual
28 other than an employee accompanying the customer.

29 (c) Notwithstanding any provision of this section, an employee toilet facility is
30 not to be considered a public restroom.

31 SECTION 2. AND BE IT FURTHER ENACTED, That retail establishments
32 subject to this Act shall be in compliance with the provisions of this Act on or before
33 October 1, 2007.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2006.

