

117TH CONGRESS
2D SESSION

H. R. 8809

To provide an individual with an eligible medical condition access to an employee restroom facilities of a retail establishment under certain conditions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2022

Ms. NORTON introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To provide an individual with an eligible medical condition access to an employee restroom facilities of a retail establishment under certain conditions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restroom Access Act
5 of 2022”.

6 **SEC. 2. MEDICALLY NECESSARY RESTROOM ACCESS.**

7 (a) IN GENERAL.—Any retail establishment that has
8 a restroom facility that is not usually accessible to the

1 public shall allow a customer to use that facility during
2 business hours of such retail establishment if—

3 (1) the customer suffers from an eligible med-
4 ical condition;

5 (2) the customer presents an identification card
6 as described by subsection (b);

7 (3) two or more employees of the retail estab-
8 lishment are working at the time the customer re-
9 quests use of the restroom facility;

10 (4) the restroom facility is not located in an
11 area where providing access would create an obvious
12 health or safety risk to the customer; and

13 (5) a public restroom is not available to the
14 customer at the time at which they seek to use such
15 restroom.

16 (b) IDENTIFICATION CARD.—Not later than 180 days
17 after the date of the enactment of this Act, the Secretary
18 of Labor shall establish a system to create and distribute
19 an identification card to an individual for whom a medical
20 professional has certified has an eligible medical condition.

21 (c) DEFINITIONS.—In this section:

22 (1) CUSTOMER.—The term “customer” means
23 an individual who is lawfully on the premises of a
24 retail establishment.

1 (2) ELIGIBLE MEDICAL CONDITION.—The term
2 “eligible medical condition” means—

3 (A) any inflammatory bowel disease, in-
4 cluding Crohn’s disease, ulcerative colitis or ir-
5 ritable bowel syndrome;

6 (B) the use of an ostomy device; or

7 (C) any other diagnosed medical condition,
8 including pregnancy, that would require imme-
9 diate access to a restroom facility.

10 (3) MEDICAL PROFESSIONAL.—The term “med-
11 ical professional” means a physician, naturopathic
12 physician, physician assistant, nurse, or nurse prac-
13 titioner qualified to diagnose an eligible medical con-
14 dition.

15 (4) RETAIL ESTABLISHMENT.—The term “re-
16 tail establishment” means a place of business open
17 to the public for the sale of goods or services moving
18 in or affecting interstate commerce.

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