

ASSEMBLY BILL NO. 283—ASSEMBLYWOMAN GORELOW

MARCH 15, 2021

Referred to Committee on Health and Human Services

SUMMARY—Requires certain retail establishments to allow persons with certain medical conditions access to employee restrooms. (BDR 40-128)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to trade practices; requiring certain retail establishments to allow access to employee restrooms by persons with certain medical conditions under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill requires a retail establishment to allow access under certain
2 circumstances to employee restrooms by persons with certain medical conditions,
3 including certain bowel diseases and syndromes, conditions requiring the use of an
4 ostomy device or permanent or temporary conditions that require immediate access
5 to a restroom. This bill also limits the civil liability of the retail establishment or an
6 employee of the retail establishment under certain circumstances and provides
7 penalties for a retail establishment or its employee who violates the provisions of
8 this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 444 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. A retail establishment that has an employee restroom must*
4 *allow a customer with an eligible medical condition to use the*
5 *employee restroom during regular business hours if:*

6 *(a) The customer who requests the use of the employee*
7 *restroom provides in writing:*



(1) A copy of a statement signed by the customer's health care professional that indicates that the customer suffers from an eligible medical condition or uses an ostomy device; or

(2) An identification card that is issued by a nonprofit organization whose purpose includes serving persons who suffer from an eligible medical condition;

(b) Three or more employees of the retail establishment are working at the time the customer requests the use of the employee restroom;

(c) The retail establishment does not normally make a restroom available to the public; and

(d) At least one of the following conditions is met:

(1) The employee restroom is reasonably safe and is not located in an area where providing access would create an obvious health or safety risk to the customer; or

(2) Allowing the customer to access the employee restroom does not pose a security risk to the retail establishment or its employees.

2. A retail establishment or an employee of a retail establishment is not civilly liable for any act or omission in allowing a customer that has an eligible medical condition to use an employee restroom if the act or omission:

(a) Is not willful or grossly negligent;

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

(c) Results in an injury or death of the customer with an eligible medical condition or any person other than an employee who accompanies the customer.

3. A retail establishment or an employee of a retail establishment who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$100.

4. As used in this section:

(a) "Customer" means a person who is lawfully on the premises of a retail establishment.

(b) "Eligible medical condition" means:

(1) Crohn's disease, ulcerative colitis or any other inflammatory bowel disease;

(2) Irritable bowel syndrome;

(3) Any condition requiring the use of an ostomy device; or

(4) Any permanent or temporary medical condition that requires immediate access to a restroom.

(c) "Health care professional" means:

(1) An advanced practice registered nurse licensed pursuant to chapter 632 of NRS;



1 (2) *A physician licensed pursuant to chapter 630 or 633 of*
2 *NRS; or*

3 (3) *A physician assistant licensed pursuant to chapter 630*
4 *or 633 of NRS.*

5 (d) *“Retail establishment” means a place of business that is*
6 *open to the general public for the sale of goods or services.*

7 **Sec. 2.** This act becomes effective on July 1, 2021.

