



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5046 (Substitute H-1 as reported without amendment)
Sponsor: Representative Andy Meisner
House Committee: Commerce
Senate Committee: Commerce and Tourism

CONTENT

The bill would create a new statute to require a retail establishment that had a toilet facility for its employees to allow a customer to use that facility during normal business hours if all of the following applied:

- The customer requesting use of the employee toilet facility suffered from an eligible medical condition (Crohn's disease, ulcerative colitis, any other inflammatory bowel disease, irritable bowel syndrome, pregnancy, or any other medical condition that requires immediate access to a toilet facility) or used an ostomy device.
- Two or more employees of the retail establishment were working at the time the customer requested use of the toilet facility.
- The customer provided the retail establishment with a copy of a statement, signed by a doctor on a prescription form, that indicated the customer suffered from an eligible medical condition or used an ostomy device.
- The retail establishment did not normally make a restroom available to the public.
- The employee toilet facility was not located in an area where providing access would create an obvious health or safety risk to the customer or an obvious security risk to the retail establishment.
- A public restroom was not immediately accessible to the customer.

The bill also would prescribe State civil infraction and misdemeanor penalties for violations. A retail establishment and its employees would not be civilly liable for an injury or death arising from customer use of an employee restroom, unless certain conditions applied.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. State civil infraction fine revenue received under the bill would benefit public libraries. Justice System Fund assessments (which the court imposes when a defendant is responsible for a State civil infraction) would go to support various programs in the judicial branch, and the Departments of State Police and Corrections. The amount of revenue would depend on the number of violations under the bill.

There are no data to indicate how many offenders would be convicted of the proposed offense. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Date Completed: 9-17-08

Fiscal Analyst: Lindsay Hollander/Stephanie Yu

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Analysis available @ <http://www.michiganlegislature.org>

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.