RESTROOM ACCESS FOR PERSONS WITH MEDICAL CONDITIONS
Act 469 of 2008

AN ACT to provide for restroom access for persons with certain medical conditions; to provide immunity from liability for permitting restroom access; and to prescribe penalties.

History: 2008, Act 469, Eff. Mar. 31, 2009.

The People of the State of Michigan enact:

446.71 Definitions.

Sec. 1. As used in this act:

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

(b) "Doctor" means a licensed doctor of medicine or a licensed doctor of osteopathic medicine and surgery.

(c) "Eligible medical condition" means 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.

(d) "Retail establishment" means a place of business open to the general public for the sale of goods or services.

History: 2008, Act 469, Eff. Mar. 31, 2009.

446.72 Retail establishment; use of toilet facility by customer; conditions.

Sec. 2. A retail establishment that has a toilet facility for its employees shall allow a customer to use that facility during normal business hours if all of the following are met:

(a) The customer requesting use of the employee toilet facility suffers from an eligible medical condition or utilizes an ostomy device.

(b) Two or more employees of the retail establishment are working at the time the customer requests use of the employee toilet facility.

(c) The customer provides the retail establishment with a copy of a statement on a prescription form that indicates the customer suffers from an eligible medical condition or utilizes an ostomy device, signed by a doctor.

(d) The retail establishment does not normally make a restroom available to the public.

(e) The employee toilet facility is 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.

(f) A public restroom is not immediately accessible to the customer.

History: 2008, Act 469, Eff. Mar. 31, 2009.

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446.73 Liability.

Sec. 3. A retail establishment or an employee of a retail establishment is not civilly liable for any injury to or death of a customer allowed to use an employee toilet facility that is not a public restroom, or to an individual other than an employee accompanying the customer, unless all of the following are met:

(a) The retail establishment or the employee of the retail establishment knew or should have known of the condition that caused the injury or death, should have realized that the condition involved an unreasonable risk of harm to a customer or other individual, and should have expected that the customer or other individual would not discover or realize the danger.

(b) The retail establishment or the employee of the retail establishment failed to exercise reasonable care to make the condition safe or to warn the customer or other individual of the condition and the risk.

(c) The customer or other individual did not know or have reason to know of the condition and the risk involved.

(d) The injury or death occurred in an area of the retail establishment that is not accessible to the public.

History: 2008, Act 469, Eff. Mar. 31, 2009.

446.74 Violation; fine.

Sec. 4. A retail establishment or an employee of a retail establishment that violates section 2 is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $100.00.

History: 2008, Act 469, Eff. Mar. 31, 2009.

446.75 Physical changes to toilet facility not required.

Sec. 5. A retail establishment is not required to make any physical changes to an employee toilet facility under this act.

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History: 2008, Act 469, Eff. Mar. 31, 2009.

446.76 Prohibited conduct; violation as misdemeanor.

Sec. 6. A person who does any of the following is guilty of a misdemeanor:

(a) Falsely makes, publishes, passes, alters, or forges a prescription form described in section 2(c).

(b) Alters or forges a doctor's signature on a prescription form described in section 2(c).

(c) Knowingly possesses a false, forged, or altered prescription form described in section 2(c).

History: 2008, Act 469, Eff. Mar. 31, 2009.

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