

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 2 and inserting the following:

‘**Sec. 2. 22 MRSA §1672-B** is enacted to read:

**§ 1672-B. Retail establishments; access to employee toilet facilities**

**1. Access for customers with eligible medical conditions.** A retail establishment that has a toilet facility for its employees shall allow a customer to use that facility during normal business hours if:

- A. The customer requesting the use of the employee toilet facility suffers 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 toilet facility;
- C. Allowing the customer to use the toilet facility would not impose an undue burden on the retail establishment;
- D. The retail establishment does not normally make a toilet facility 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;  
and
- F. A public toilet facility is not immediately accessible to the customer.

**2. Liability.** A retail establishment or an owner or employee of a retail establishment is not civilly liable for any act or omission in allowing a customer to use an employee toilet facility that is not a public toilet facility pursuant to subsection 1 unless:

- A. The retail establishment or owner or employee of the retail establishment is willfully or grossly negligent;
- B. The act or omission occurs in an area of the retail establishment that is not accessible to the public; and
- C. The act or omission results in an injury to or death of the customer or an individual other than an employee accompanying the customer.

**3. Modifications not required.** A retail establishment is not required to make any physical change to an employee toilet facility under this section.

**4. Application.** This section may not be construed to limit the rights, remedies and procedures afforded to individuals pursuant to the Maine Human Rights Act. The civil penalties in section 1674 may not be assessed for any violation of this section.'

## SUMMARY

This amendment clarifies that a retail establishment is not required to provide access to employee toilet facilities if the request would impose an undue burden on the retail establishment. It also clarifies that liability protection is extended to the retail establishment, as well as the owner and employees, and provides that these requirements may not be construed to limit the rights, remedies and procedures afforded to individuals pursuant to the Maine Human Rights Act. It also removes any civil penalties for a violation.