

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 546

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE RESTROOM ACCESS ACT; AMENDING TITLE 48, IDAHO CODE, BY THE
2 ADDITION OF A NEW CHAPTER 21, TITLE 48, IDAHO CODE, TO PROVIDE A SHORT
3 TITLE, TO DEFINE TERMS, TO PROVIDE FOR CERTAIN CUSTOMER ACCESS TO RE-
4 STROOM FACILITIES, TO PROVIDE A LIMITATION OF LIABILITY, AND TO PROVIDE
5 FOR VIOLATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
6 DATE.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Title 48, Idaho Code, be, and the same is hereby amended
10 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
11 ter 21, Title 48, Idaho Code, and to read as follows:

12 CHAPTER 21
13 RESTROOM ACCESS ACT

14 48-2101. SHORT TITLE. This act may be known and may be cited as the "Re-
15 stroom Access Act."

16 48-2102. DEFINITIONS. For purposes of this chapter:

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

19 (2) "Eligible medical condition" means Crohn's disease, ulcerative
20 colitis, any other inflammatory bowel disease, irritable bowel syndrome,
21 or any other medical condition that requires immediate access to a restroom
22 facility.

23 (3) "Retail establishment" means a place of business open to the gen-
24 eral public for the sale of goods or services. Retail establishment does not
25 include a filling station or service station with a structure of eight hun-
26 dred (800) square feet or less that has an employee restroom facility located
27 within that structure.

28 48-2103. RETAIL ESTABLISHMENTS -- CUSTOMER ACCESS TO RESTROOM FACILI-
29 TIES. A retail establishment that has a restroom facility for its employees
30 shall allow a customer to use that facility during normal business hours if
31 all of the following conditions are met:

32 (1) The customer requesting the use of the employee restroom facility
33 suffers from an eligible medical condition, as defined in section 48-2102,
34 Idaho Code, or uses an ostomy device, provided that the existence of the con-
35 dition or device is documented in writing by the customer's physician or a
36 nonprofit organization whose purpose includes serving individuals who suf-
37 fer from the condition. When requesting access to an employee restroom fa-
38 cility, a customer shall present to an employee of the retail establishment
39 proof of an eligible medical condition;

- 1 (2) Three (3) or more employees of the retail establishment are working
- 2 at the time the customer requests use of the employee restroom facility;
- 3 (3) The retail establishment does not normally make a restroom avail-
- 4 able to the public;
- 5 (4) The employee restroom facility is reasonably safe and not located
- 6 in an area where providing access would create an obvious health or safety
- 7 risk to the customer or an obvious security risk to the establishment; and
- 8 (5) A public restroom is not immediately accessible to the customer.

9 48-2104. LIMITATION OF LIABILITY. (1) A retail establishment or an em-
10 ployee of a retail establishment is not civilly liable for an act or omission
11 in allowing a customer who claims to have an eligible medical condition to
12 use an employee restroom facility that is not a public restroom if the act or
13 omission:
14 (a) Is not negligent;
15 (b) Occurs in an area of the retail establishment that is not accessible
16 to the public; and
17 (c) Results in an injury to or death of the customer or an individual
18 other than an employee accompanying the customer.
19 (2) This chapter does not require a retail establishment to make any
20 physical changes to an employee restroom facility.

21 48-2105. VIOLATIONS. A retail establishment or an employee of a retail
22 establishment that violates the provisions of section 48-2103, Idaho Code,
23 commits a misdemeanor and shall be subject to a fine of no more than fifty
24 dollars (\$50.00).

25 SECTION 2. An emergency existing therefor, which emergency is hereby
26 declared to exist, this act shall be in full force and effect on and after
27 July 1, 2026.