

2009 DRAFTING REQUEST

Bill

Received: **09/23/2009**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Karl Van Roy (608) 266-0616**

By/Representing: **Tanya**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - public health**

Extra Copies: **TJD**

Submit via email: **YES**

Requester's email: **Rep.VanRoy@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Access to employee's toilet for persons with certain medical conditions

Instructions:

Redraft 2007 AB 859

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rryan 10/23/2009	bkraft 10/27/2009		_____			
/1			jfrantze 10/28/2009	_____	sbasford 10/28/2009		
/2	rryan 01/11/2010 rryan 01/14/2010	bkraft 01/12/2010 bkraft 01/14/2010	phenry 01/12/2010	_____	lparisi 01/12/2010	cduerst 01/13/2010	

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/3	rryan 01/14/2010	bkraft 01/14/2010	rschluet 01/14/2010	_____	lparisi 01/14/2010	lparisi 01/14/2010	
/4			mduchek 01/14/2010	_____	lparisi 01/14/2010	lparisi 01/14/2010	

FE Sent For:

None

<END>

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	rryan 01/14/2010	bkraft 01/14/2010		_____			

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/3

14 bjk/14

rschluet _____
01/14/2010 _____

lparisi _____
01/14/2010 _____

lparisi _____
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[Handwritten signature]
1/13/10

FE Sent For:

<END>

13 bjk 1/14

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/1		12 bjk 1/12	jfrantze 10/28/2009	_____ 1/12 ph	sbasford 10/28/2009		
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/?	rryan 10/23/2009	lrb_editor	11bjk 10/27 10/27	Good			

Handwritten notes and signatures: "Good" with a checkmark, "11bjk 10/27 10/27", and a signature with "10/27" written vertically.

FE Sent For:

<END>

2007 - 2008 LEGISLATURE

In 10/23/09

FROM
2007
3713/2

3518/1

LRB-3713/2

RLR

DAB:MI:nwn

bjk

2007 ASSEMBLY BILL 859

RMNR

DNR

Inserts

Please
PWF

SA
x-ref

February 21, 2008 - Introduced by Representatives VAN ROY, ALBERS, BIES, BERCEAU, HAHN, MUSSER, SMITH, TOWNSEND and WASSERMAN, cosponsored by Senators LEHMAN and ROESSLER. Referred to Committee on Small Business.

- 1 AN ACT to create 146.29 and 895.512 of the statutes; relating to: requiring
- 2 access by certain customers to certain toilet facilities, providing immunity from
- 3 certain civil liability, and providing penalties.

related to use of the toilet facilities

Analysis by the Legislative Reference Bureau

This bill requires a retail establishment, as defined in the bill, that has a toilet facility that is designated for use by the establishment's employees to permit use of the facility by customers who request it, under certain conditions. In order for the requirement to apply, the customer must suffer from an eligible medical condition or use an ostomy device; two or more of the retail establishment's employees must be working at the establishment at the time the request is made; the customer must provide the retail establishment with a copy of a written statement that is signed and issued by a physician; the retail establishment must not usually make the toilet facility available to customers; the toilet facility must not be located in an area where access creates an obvious health or safety risk for the customer or an obvious security risk for the retail establishment; and a public toilet facility must not be immediately available to the customer.

The bill specifies that a retail establishment may not, under the requirement, be required to make physical changes to a toilet facility that is designated for use by the establishment's employees.

Under the bill, a violation of the requirement is subject to a forfeiture that may not exceed \$200. However, a retail establishment and employee of an establishment are immune from civil liability for the death or injury of a customer, or of an

access to toilet facilities in a retail establishment

JWS
Analysis

ASSEMBLY BILL 859

individual other than an employee who accompanies the customer, that is caused by or during the use of a toilet facility under the bill's requirement, unless the death or injury was caused by a willful or wanton act or omission of the employee.

Also under the bill, forging a statement or uttering a forged statement, altering a statement or uttering an altered statement, transferring to a customer, for use by that customer, a statement intended for use by a different customer, and knowingly possessing a forged or altered statement are subject to a forfeiture that may not exceed \$200.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 146.29 of the statutes is created to read:

146.29 Customer access to toilet facility. (1) DEFINITIONS. In this section:

(a) "Customer" means an individual, other than the owner or an employee of a retail establishment, who is lawfully on the premises of the establishment.

(b) "Eligible medical condition" means inflammatory bowel disease, irritable bowel syndrome, or any other medical condition that periodically requires immediate access to a toilet facility.

(c) "Inflammatory bowel disease" means Crohn's disease or ulcerative colitis.

(d) "Ostomy device" means a medical device that creates an artificial passage for elimination of body waste.

(e) "Physician" has the meaning given in s. 448.01 (5).

(f) "Retail establishment" means a store or shop in which retail sales is the principal business conducted, except that "retail establishment" does not include a motor vehicle fuel retailer's establishment that is a structure that is 800 square feet

in retail establishment

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ASSEMBLY BILL 859

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or less in size and that has a toilet facility located within the structure that is designated for use by the retailer's employees.

INS 3-3

(2) CUSTOMER ACCESS TO TOILET FACILITY REQUIRED. A retail establishment that

has a toilet facility that is designated for use by the establishment's employees shall, during the establishment's usual business hours, permit use of the facility by a customer who requests the use, if all of the following conditions are met:

(a) The customer suffers from an eligible medical condition or uses an ostomy device.

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

(c) The customer provides the retail establishment with a copy of a written statement, signed and issued by a physician on the physician's letterhead or that of the facility with which the physician is associated, that indicates that the customer suffers from an eligible medical condition or uses an ostomy device.

(d) The retail establishment does not usually make a toilet facility available to a customer.

(e) The toilet facility is not located in an area where access creates an obvious health or safety risk for the customer or an obvious security risk for the retail establishment.

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

(3) LIMITATION ON REQUIREMENT. No retail establishment may, under this section, be required to make physical changes to a toilet facility that is designated for use by the establishment's employees.

(4) PENALTIES. (a) Any person who violates sub. (2) may be required to forfeit not more than \$200.

INS 3-14

INS 3-19

person X3

Whoever

ASSEMBLY BILL 859

Whoever

(a)

1

(b) Any person who does any of the following with respect to a written

2

statement that is specified in sub. (2) (c) may be required to forfeit not more than

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\$200:

4

1. Forges a statement or utters a forged statement.

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2. Alters a statement or utters an altered statement.

6

3. Transfers to a customer for use by that customer a statement intended for

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use by a different customer

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4. Knowingly possesses a forged or altered statement.

9

(c) Each day of continued violation under par. (a) or (b) constitutes a separate

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offense.

11

SECTION 2. 895.512 of the statutes is created to read:

12

895.512 Civil liability exemption; customer access to toilet facility. If

13

an employee of a retail establishment permits a customer to use the establishment's

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toilet facility, under the requirements of s. 146.29, the employee and the

15

establishment are immune from civil liability for the death of or injury to the

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customer or an individual other than an employee who accompanies the customer

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that is caused by or during the use of the facility, unless the death or injury was

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caused by a willful or wanton act or omission of the employee.

19

(END)

another person

person X2

person

person

person

D-note

1 **Ins Analysis:**

This bill requires a retail establishment that has a toilet facility that is designated for use by employees to allow a person who has a certain type of medical condition, or who uses an ostomy device, to use the employees' toilet facility under certain conditions. The conditions are that the person has a written statement from a physician indicating that the person has an eligible medical condition or uses an ostomy device; the person requests use of the toilet facility during normal business hours and while at least two employees are working; the toilet facility is not located in an area where access by the person creates a health or safety risk to the person or a security risk for the retail establishment; and the retail establishment does not have a toilet facility that is open to the public and no public bathroom is immediately accessible to the person.

> Under the bill, a person who violates the requirement to allow access to an employees' toilet facility is subject to a civil forfeiture. In addition, a person who forges, alters, transfers, or possesses a forged or altered physicians' statement indicating that a person has an eligible medical condition or uses an ostomy device is subject to a civil forfeiture. Finally, under the bill, a retail establishment and its employees are immune from civil liability for the death of or injury to persons who use an employees' toilet facility in accordance with the access provision created in the bill.

2

3 **Ins 3-3:**

4 ^{NO}_{CA} A retail establishment that has a toilet facility that is designated for use by the
5 establishment's employees shall permit a person who suffers from an eligible medical
6 condition or uses an ostomy device to use the toilet facility if all of the following apply:

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8

9 **Ins 3-14:**

10 ~~Q~~ (b) The person requests to use the toilet facility during the retail
11 establishment's usual business hours.

12

13

1

Ins 3-19:

2

(e) The retail establishment does not have a toilet facility that members of the public may use.

3

4

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3518/1dn

RLR:.....

Lbjk

Date

Representative Van Roy:

This is a redraft of 2007 Assembly Bill 859. I made some technical changes to the bill. For example, rather than using and defining the term "customer," this redraft just refers to a person who has an eligible medical condition or uses an ostomy bag. Please let me know if you would like to discuss any of the changes.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3518/1dn
RLR:bjk:jf

October 27, 2009

Representative Van Roy:

This is a redraft of 2007 Assembly Bill 859. I made some technical changes to the bill. For example, rather than using and defining the term "customer," this redraft just refers to a person who has an eligible medical condition or uses an ostomy bag. Please let me know if you would like to discuss any of the changes.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

1/11/10

Voice mail from Tanya, Rep. Van Roy

LRB 3578

- (1) Page 3, line 5: three or more instead of 2 or more
- (2) Add alternative to physician document - card issued by an advocacy group for persons w/ eligible med condition - will send language

Ryan, Robin

From: Hein, Tanya
Sent: Monday, January 11, 2010 2:18 PM
To: Ryan, Robin
Subject: LRB 3518 - rush draft revisions requested.

Robin,

This email is in reference to the voice mail I left for you today regarding our bill draft. We would appreciate it if you could put a rush on this. Thank you!

Language found from other states:

Washington: OR.... identification card issued by a nationally recognized health organization or a local health department that indicates the person suffers from an eligible medical condition or uses an Ostomy device

Texas: OR... identification card issued by a non-profit organization whose purpose includes serving individuals who suffer from an eligible medical condition

Tanya R. Hein

Research Assistant

~~~~~  
State Representative Karl Van Roy  
90th Assembly District  
123 West, State Capitol  
P.O. Box 8953  
Madison, WI 53708  
Tel: 608-266-0616  
Fax: 608-282-3690

*OK with Tanya to  
have BITS approve  
the organizations  
that may issue cards*



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3518/2  
RLR:bjk:jf  
stays

In 1/11/10  
Soon

2009 BILL

RMR

SA  
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identification  
or the person has an identification card issued by an approved entity that is approved by the Department of Health Services to issue such cards

AN ACT to create 146.29 and 895.512 of the statutes; relating to: requiring access to toilet facilities in a retail establishment, immunity from civil liability related to use of the toilet facilities, and providing penalties.

Analysis by the Legislative Reference Bureau

This bill requires a retail establishment that has a toilet facility that is designated for use by employees to allow a person who has a certain type of medical condition, or who uses an ostomy device, to use the employees' toilet facility under certain conditions. The conditions are that the person has a written statement from a physician indicating that the person has an eligible medical condition or uses an ostomy device; the person requests use of the toilet facility during normal business hours and while at least two employees are working; the toilet facility is not located in an area where access by the person creates a health or safety risk to the person or a security risk for the retail establishment; and the retail establishment does not have a toilet facility that is open to the public and no public bathroom is immediately accessible to the person.

Under the bill, a person who violates the requirement to allow access to an employees' toilet facility is subject to a civil forfeiture. In addition, a person who forges, alters, transfers, or possesses a forged or altered physicians' statement indicating that a person has an eligible medical condition or uses an ostomy device is subject to a civil forfeiture. Finally, under the bill, a retail establishment and its employees are immune from civil liability for the death of or injury to persons who

or identification card

**BILL**

use an employees' toilet facility in accordance with the access provision created in the bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 146.29 of the statutes is created to read:

2           **146.29 Access to toilet facility in retail establishment. (1) DEFINITIONS.**

3           In this section:

4           (a) "Eligible medical condition" means inflammatory bowl disease, irritable  
5           bowel syndrome, or any other medical condition that periodically requires  
6           immediate access to a toilet facility.

7           (b) "Inflammatory bowel disease" means Crohn's disease or ulcerative colitis.

8           (c) "Ostomy device" means a medical device that creates an artificial passage  
9           for elimination of body waste.

10          (d) "Physician" has the meaning given in s. 448.01 (5).

11          (e) "Retail establishment" means a store or shop in which retail sales is the  
12          principal business conducted, except that "retail establishment" does not include a  
13          motor vehicle fuel retailer's establishment that is a structure that is 800 square feet  
14          or less in size.

15          **(2) ACCESS TO TOILET FACILITY REQUIRED.** A retail establishment that has a toilet  
16          facility that is designated for use by the establishment's employees shall permit a  
17          person who suffers from an eligible medical condition or uses an ostomy device to use  
18          the toilet facility if all of the following apply:

19          (a) The person provides the retail establishment <sup>any of the following</sup> with a copy of a written <sup>A b</sup>  
20          statement, signed and issued by a physician on the physician's letterhead or that of

**BILL**

1 the facility with which the physician is associated, that indicates that the person  
2 suffers from an eligible medical condition or uses an ostomy device.

INS  
3-2

3 (b) The person requests to use the toilet facility during the retail  
4 establishment's usual business hours.

5 (c) ~~Two~~ <sup>Three</sup> or more employees of the retail establishment are working at the  
6 establishment at the time the person requests use of the toilet facility.

7 (d) The toilet facility is not located in an area where access creates an obvious  
8 health or safety risk for the person or an obvious security risk for the retail  
9 establishment.

10 (e) The retail establishment does not have a toilet facility that the public may  
11 use.

12 (f) A public toilet facility is not immediately accessible to the person.

13 (3) LIMITATION ON REQUIREMENT. No retail establishment may, under this  
14 section, be required to make physical changes to a toilet facility that is designated  
15 for use by the establishment's employees.

INS  
3-15

16 (5) (4) PENALTIES. (a) Whoever violates sub. (2) may be required to forfeit not more  
17 than \$200.

18 (b) Whoever does any of the following with respect to a written statement that  
19 is specified in sub. (2) (a) may be required to forfeit not more than \$200:

for identification cards  
x2

- 20 1. Forges a statement or utters a forged statement.
- 21 2. Alters a statement or utters an altered statement.
- 22 3. Transfers to another person, for use by that person, a statement intended for  
23 use by a different person.
- 24 4. Knowingly possesses a forged or altered statement.

for identification card  
x4

for identification card

**BILL**

1 (c) Each day of continued violation under par. (a) or (b) constitutes a separate  
2 offense.

3 **SECTION 2.** 895.512 of the statutes is created to read:

4 **895.512 Civil liability exemption; access to toilet facility.** If an employee  
5 of a retail establishment permits a person to use the establishment's toilet facility,  
6 under the requirements of s. 146.29, the employee and the establishment are  
7 immune from civil liability for the death of or injury to the person, or an individual  
8 other than an employee who accompanies the person, that is caused by or during the  
9 use of the facility, unless the death or injury was caused by a willful or wanton act  
10 or omission of the employee.

11

(END)



2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3518/2ins  
RLR:.....

entity approved

1           **Ins 3-2:**

2           2. An identification card that is issued by an organization identified by the  
3           department under sub. (4) and that indicates that the person suffers from an eligible  
4           medical condition or uses an ostomy device.

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7           **Ins 3-15:**

8           (4) The department shall approve to issue identification cards that may be used  
9           under sub. (2) (a) 2. entities that provide services to, or advocate on behalf of, persons  
10          who suffer from an eligible medical condition or use an ostomy device.

**Duerst, Christina**

---

**From:** Hein, Tanya

**Sent:** Wednesday, January 13, 2010 10:33 AM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 09-3518/2 Topic: Access to employee's toilet for persons with certain medical conditions

Please Jacket LRB 09-3518/2 for the ASSEMBLY.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3518

RLR:bjk:ph

3  
stays

2009 BILL

SA-

— regen.

- 1 **AN ACT to create** 146.29 and 895.512 of the statutes; **relating to:** requiring  
2 access to toilet facilities in a retail establishment, immunity from civil liability  
3 related to use of the toilet facilities, and providing penalties.

---

*Analysis by the Legislative Reference Bureau*

This bill requires a retail establishment that has a toilet facility that is designated for use by employees to allow a person who has a certain type of medical condition, or who uses an ostomy device, to use the employees' toilet facility under certain conditions. The conditions are that the person has either a written statement from a physician indicating that the person has an eligible medical condition or uses an ostomy device, or the person has an identification card issued by an entity that is approved by the Department of Health Services to issue such cards; the person requests use of the toilet facility during normal business hours and while at least three employees are working; the toilet facility is not located in an area where access by the person creates a health or safety risk to the person or a security risk for the retail establishment; and the retail establishment does not have a toilet facility that is open to the public and no public bathroom is immediately accessible to the person.

Under the bill, a person who violates the requirement to allow access to an employees' toilet facility is subject to a civil forfeiture. In addition, a person who forges, alters, transfers, or possesses a forged or altered physicians' statement or identification card indicating that a person has an eligible medical condition or uses an ostomy device is subject to a civil forfeiture. Finally, under the bill, a retail establishment and its employees are immune from civil liability for the death of or

**BILL**

injury to persons who use an employees' toilet facility in accordance with the access provision created in the bill.

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2           **146.29 Access to toilet facility in retail establishment. (1) DEFINITIONS.**

3           In this section:

4           (a) "Eligible medical condition" means inflammatory bowel disease, irritable  
5           bowel syndrome, or any other medical condition that periodically requires  
6           immediate access to a toilet facility.

7           (b) "Inflammatory bowel disease" means Crohn's disease or ulcerative colitis.

8           (c) "Ostomy device" means a medical device that creates an artificial passage  
9           for elimination of body waste.

10          (d) "Physician" has the meaning given in s. 448.01 (5).

11          (e) "Retail establishment" means a store or shop in which retail sales is the  
12          principal business conducted, except that "retail establishment" does not include a  
13          motor vehicle fuel retailer's establishment that is a structure that is 800 square feet  
14          or less in size.

15          **(2) ACCESS TO TOILET FACILITY REQUIRED.** A retail establishment that has a toilet  
16          facility that is designated for use by the establishment's employees shall permit a  
17          person who suffers from an eligible medical condition or uses an ostomy device to use  
18          the toilet facility if all of the following apply:

19           (a) The person provides the retail establishment any of the following:

20           1. A copy of a written statement, signed and issued by a physician on the  
21           physician's letterhead or that of the facility with which the physician is associated,

**BILL**

1 that indicates that the person suffers from an eligible medical condition or uses an  
2 ostomy device.

3 2. An identification card issued by an entity approved by the department under  
4 sub. (4) that indicates that the person suffers from an eligible medical condition or  
5 uses an ostomy device.

6 (b) The person requests to use the toilet facility during the retail  
7 establishment's usual business hours.

8 (c) Three or more employees of the retail establishment are working at the  
9 establishment at the time the person requests use of the toilet facility.

10 (d) The toilet facility is not located in an area where access creates an obvious  
11 health or safety risk for the person or an obvious security risk for the retail  
12 establishment.

13 (e) The retail establishment does not have a toilet facility that the public may  
14 use.

15 (f) A public toilet facility is not immediately accessible to the person.

16 **(3) LIMITATION ON REQUIREMENT.** No retail establishment may, under this  
17 section, be required to make physical changes to a toilet facility that is designated  
18 for use by the establishment's employees.

19 **(4)** The department shall approve, to issue identification cards that may be  
20 used under sub. (2) (a) 2., entities that provide services to, or advocate on behalf of,  
21 persons who suffer from an eligible medical condition or use an ostomy device.

22 **(5) PENALTIES.** (a) Whoever violates sub. (2) may be required to forfeit not more  
23 than \$200.

**BILL****SECTION 1**

1 (b) Whoever does any of the following with respect to a written statement or  
2 identification card that is specified in sub. (2) (a) may be required to forfeit not more  
3 than \$200:

4 1. Forges a statement or identification card, or utters a forged statement or  
5 identification card.

6 2. Alters a statement or identification card, or utters an altered statement or  
7 identification card.

8 3. Transfers to another person, for use by that person, a statement or  
9 identification card intended for use by a different person.

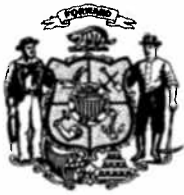
10 4. Knowingly possesses a forged or altered statement or identification card.

11 (c) Each day of continued violation under par. (a) or (b) constitutes a separate  
12 offense.

13 **SECTION 2.** 895.512 of the statutes is created to read:

14 **895.512 Civil liability exemption; access to toilet facility.** If an employee  
15 of a retail establishment permits a person to use the establishment's toilet facility,  
16 under the requirements of s. 146.29, the employee and the establishment are  
17 immune from civil liability for the death of or injury to the person, or an individual  
18 other than an employee who accompanies the person, that is caused by or during the  
19 use of the facility, unless the death or injury was caused by a willful or wanton act  
20 or omission of the employee.

21 (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3518/A  
RLR:bjk:rs

→ TODAY

stays  
RinnR

2009 BILL

SA-

regen.

1 AN ACT to create 146.29 and 895.512 of the statutes; relating to: requiring  
2 access to toilet facilities in a retail establishment, immunity from civil liability  
3 related to use of the toilet facilities, and providing penalties.

**Analysis by the Legislative Reference Bureau**

This bill requires a retail establishment that has a toilet facility that is designated for use by employees to allow a person who has a certain type of medical condition, or who uses an ostomy device, to use the employees' toilet facility under certain conditions. The conditions are that the person has either a written statement from a physician indicating that the person has an eligible medical condition or uses an ostomy device, or the person has an identification card issued by an entity that is approved by the Department of Health Services to issue such cards; the person requests use of the toilet facility during normal business hours and while at least three employees are working; the toilet facility is not located in an area where access by the person creates a health or safety risk to the person or a security risk for the retail establishment; and the retail establishment does not have a toilet facility that is open to the public and no public bathroom is immediately accessible to the person.

Under the bill, a person who violates the requirement to allow access to an employees' toilet facility is subject to a civil forfeiture. In addition, a person who forges, alters, transfers, or possesses a forged or altered physicians' statement or identification card indicating that a person has an eligible medical condition or uses an ostomy device is subject to a civil forfeiture. Finally, under the bill, a retail establishment and its employees are immune from civil liability for the death of or

**BILL**

injury to persons who use an employees' toilet facility in accordance with the access provision created in the bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 146.29 of the statutes is created to read:

2           **146.29 Access to toilet facility in retail establishment. (1) DEFINITIONS.**

3           In this section:

4           (a) "Eligible medical condition" means inflammatory bowel disease, irritable  
5           bowel syndrome, or any other medical condition that periodically requires  
6           immediate access to a toilet facility.

7           (b) "Inflammatory bowel disease" means Crohn's disease or ulcerative colitis.

8           (c) "Ostomy device" means a medical device that creates an artificial passage  
9           for elimination of body waste.

10          (d) "Physician" has the meaning given in s. 448.01 (5).

11          (e) "Retail establishment" means a store or shop in which retail sales is the  
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21           physician's letterhead or that of the facility with which the physician is associated,



**BILL**

1 that indicates that the person suffers from an eligible medical condition or uses an  
2 ostomy device.

3 2. An identification card issued by an entity approved by the department under  
4 sub. (4) that indicates that the person suffers from an eligible medical condition or  
5 uses an ostomy device.

6 (b) The person requests to use the toilet facility during the retail  
7 establishment's usual business hours.

8 (c) Three or more employees of the retail establishment are working at the  
9 establishment at the time the person requests use of the toilet facility.

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CS

ENTITIES THAT MAY ISSUE IDENTIFICATION CARDS

**BILL****SECTION 1**

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4 1. Forges a statement or identification card, or utters a forged statement or  
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7 identification card.

8 3. Transfers to another person, for use by that person, a statement or  
9 identification card intended for use by a different person.

10 4. Knowingly possesses a forged or altered statement or identification card.

11 (c) Each day of continued violation under par. (a) or (b) constitutes a separate  
12 offense.

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17 immune from civil liability for the death of or injury to the person, or an individual  
18 other than an employee who accompanies the person, that is caused by or during the  
19 use of the facility, unless the death or injury was caused by a willful or wanton act  
20 or omission of the employee.

21 (END)

**Duerst, Christina**

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**From:** Hein, Tanya

**Sent:** Thursday, January 14, 2010 3:16 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 09-3518/4 Topic: Access to employee's toilet for persons with certain medical conditions

Please Jacket LRB 09-3518/4 for the ASSEMBLY.

1/14/2010