

CHAPTER 295
HB 1130-FN - FINAL VERSION

16Feb2022... 0542h
04/21/2022 1642s
04/21/2022 1679s
26May2022... 2035CofC

2022 SESSION

22-2238
05/08

HOUSE BILL ***1130-FN***

AN ACT relative to restroom access for persons with certain medical conditions and relative to the procedure for obtaining a marriage license.

SPONSORS: Rep. J. Schmidt, Hills. 28; Rep. Levesque, Straf. 4; Rep. Cohen, Hills. 28

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill requires retail establishments to allow individuals with medical conditions, like Crohn's disease and colitis, to use employee toilet facilities under certain circumstances.

The bill also directs the city or town clerk to meet with marriage license applicants at a convenient location within the city or town if either party is otherwise unable to appear in person for medical reasons.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to restroom access for persons with certain medical conditions and relative to the procedure for obtaining a marriage license.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 295:1 Title. This act shall be known and may be cited as the "Crohn's and Colitis Fairness Act" or the
2 "Restroom Access Act".

3 295:2 Purpose. The general court hereby finds and declares that:

4 I. Crohn's disease and ulcerative colitis, collectively known as inflammatory bowel disease (IBD),
5 are painful, medically incurable diseases that affect the digestive system resulting in symptoms that
6 include loss of bowel control and require urgent and sudden use of a restroom.

7 II. Denying restroom access to IBD patients can lead to embarrassing, avoidable accidents that
8 can cause extreme emotional distress.

9 III. As IBD affects numerous people in this state, and as increasing numbers of people are being
10 diagnosed with IBD, it is in the public interest to ensure that these patients can access a restroom in an
11 emergency.

12 295:3 New Subdivision. Amend RSA 155 by inserting after section 80 the following new subdivision:

Restroom Access Act

14 155:81 Definitions. In this subdivision:

15 I. "Eligible medical condition" means Crohn's disease, ulcerative colitis, any other inflammatory
16 bowel disease, irritable bowel disease syndrome, or any other medical condition that requires the use of
17 an ostomy device or immediate access to a toilet facility.

18 II. "Retail establishment" means a place of business open to the general public for the sale of
19 goods or services.

20 155:82 Restroom Access. A retail establishment that has a toilet facility for its employees shall allow
21 any individual who is lawfully on the premises of such place of business to use that toilet facility during
22 normal business hours, even if the place of business does not normally make the employee toilet facility
23 available to the public, provided that the following conditions are met:

24 I. The individual requesting the use of the employee toilet facility suffers from an eligible
25 medication condition or utilizes an ostomy device, as evidenced by a signed document from a health care
26 provider, an identification card from a national association, or other reasonable evidence of a qualifying
27 medical condition.

28 II. A public restroom is not immediately accessible to the customer.

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1 III. The employee toilet facility is not located in an area where providing access would create a
2 health or safety risk to the customer, and providing access to the toilet facility would not pose a risk to an
3 employee or others in the retail establishment.

4 295:4 Marriage License and Registration. Amend RSA 5-C:42, IV to read as follows:

5 IV. The ~~[prospective bride and groom]~~ ***persons to be married*** shall appear in person to the clerk
6 of the town or city to file the marriage intentions and to sign the application for the marriage license unless
7 either party or both are ~~[members of the armed forces and]~~ unable to appear in person, ***in which case the***
8 ***procedure in paragraph V or V-a shall apply.***

9 295:5 New Paragraph; Marriage License and Registration; Procedure When Either Party is Unable to
10 Appear in Person for Medical Reasons. Amend RSA 5-C:42 by inserting after paragraph V the following
11 new paragraph:

12 V-a. If either party is unable to appear in person for medical reasons, the city or town clerk shall
13 accommodate the parties by meeting in person with the parties at such other location within the city or
14 town as may be convenient.

15 295:6 Effective Date.

16 I. Sections 4 and 5 of this act shall take effect January 1, 2023.

17 II. The remainder of this act shall take effect upon its passage.

Approved: July 01, 2022

Effective Date:

I. Sections 4 and 5 effective January 1, 2023

II. Remainder effective July 1, 2022

