

Customer Access to Employee Restrooms Frequently Asked Questions

What does the law say?

[State law](#) allows customers with eligible medical conditions to use employee restrooms in retail establishments. The medical condition must be verified by the customer's health care provider.

Patients and Health Care Providers

Who is eligible to take advantage of the law?

A customer with an eligible medical condition who presents a [form](#) signed by certain types of health care providers. They can use the employee restroom at a retail establishment as long as the restroom is reasonably safe. Using the restroom must not present an obvious health or safety risk to the patient or security risk to the business or its employees.

Where can I get the form?

The [form](#) is available by on our [Web site](#). Fraudulent use of the form is a misdemeanor punishable under law. ([RCW 9A.20.010](#))

Are there other forms of acceptable identification?

Yes. The law allows either a signed [form](#) or an identification card. The identification card is issued by a nonprofit organization that serves people with an eligible medical condition.

What is an eligible medical condition?

Crohn's disease, ulcerative colitis or any other inflammatory bowel disease, irritable bowel syndrome, any condition requiring use of an ostomy device, or any permanent or temporary medical condition requiring immediate access to a restroom.

What kind of health care provider can sign the form?

An [advanced registered nurse practitioner](#), [osteopathic physician or surgeon](#), [osteopathic physician assistant](#), [physician or surgeon](#), or a [physician assistant](#) can sign the [form](#).

What is a retail establishment?

A retail establishment is a place of business open to the general public for the sale of goods or services. It does not include a filling station, service station, or restaurant of eight hundred square feet or less that has an employee restroom located within the structure.

What are an eligible customer's rights and responsibilities under this law?

These businesses must allow customers with eligible medical conditions to use the restroom during normal business hours. The customer must provide a signed copy of the [form](#) or approved identification card. The customer can use the restroom if the employee

restroom is reasonably safe and is not located in an area where providing access would create an obvious health or safety risk to the customer or pose a security risk to the business or its employees.

Retail Establishments

Who enforces this law?

Law enforcement agencies and city and county attorneys enforce this law. The Department of Health does not have enforcement authority.

What if I don't comply?

For the first violation, you will get a warning letter. Further violations are treated as a class two civil infraction. ([Chapter 7.80 RCW](#))

What are my rights as a business owner?

A business does not have to make physical changes to an employee restroom under this law. It can require an employee to accompany a customer to the employee restroom. Except for willful or grossly negligent acts or omissions, a retail establishment or an employee of the business is not civilly liable for injuries resulting from this law.

What do I do if a customer wants to use the employee restroom but does not have the form or an eligible condition?

A retail establishment with an employee restroom must allow any customer to use the restroom during normal business hours if:

- Three or more employees of the retail establishment are working when the customer requests to use the restroom; and
- The retail establishment does not normally make a restroom available to the public; and
- The employee restroom is reasonably safe and is not located where providing access would create an obvious health or safety risk to the customer; or
- Customer access to the employee restroom does not pose a security risk to the business or its employees.