

RESTROOM ACCESS FOR PERSONS WITH MEDICAL CONDITIONS (EXCERPT)
Act 469 of 2008

***** 446.73.new THIS NEW SECTION IS EFFECTIVE MARCH 31, 2009 *****

446.73.new Liability.

Sec. 3. A retail establishment or an employee of a retail establishment is not civilly liable for any injury to or death of a customer allowed to use an employee toilet facility that is not a public restroom, or to an individual other than an employee accompanying the customer, unless all of the following are met:

(a) The retail establishment or the employee of the retail establishment knew or should have known of the condition that caused the injury or death, should have realized that the condition involved an unreasonable risk of harm to a customer or other individual, and should have expected that the customer or other individual would not discover or realize the danger.

(b) The retail establishment or the employee of the retail establishment failed to exercise reasonable care to make the condition safe or to warn the customer or other individual of the condition and the risk.

(c) The customer or other individual did not know or have reason to know of the condition and the risk involved.

(d) The injury or death occurred in an area of the retail establishment that is not accessible to the public.

History: 2008, Act 469, Eff. Mar. 31, 2009.