

Act Number:	09-129	
Bill Number:	6328	
Senate Pages:	4672-4692	21
House Pages:	3104-3108	5
Committee:	Public Health: 61-72, 78-84, 92-95, 106-111, 565-569	34
	Page Total:	60

S - 591

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 15
4667 - 5018**

ch/ks/hl
SENATE

145
May 29, 2009

concurrence with the House:

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

Calendar page 37, Calendar Number 625, File Number 566 and 925, Substitute for House Bill 6328, AN ACT CONCERNING CUSTOMER ACCESS TO RESTROOMS IN RETAIL ESTABLISHMENTS, as amended by House Amendment Schedule A, favorable report of the Committee on Public Health, General Law and Public Safety.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Thank you, Mr. President. I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Acting on acceptance and passage of the bill,

ch/ks/hl
SENATE

146
May 29, 2009

would you like to remark further, sir?

SENATOR HARRIS:

Thank you, Mr. President. Mr. President, I have to admit that when this bill first was proposed in the Public Health Committee I took a look across the table at our screening committee, at Senator DeBicella, and we both kind of looked at each other like, what is this? Do we really need this? Is this really what we were elected to do? And, you know, it was a little confusing, but I will tell you, Mr. President, when we started digging down deep, talking to one another on the committee, the committee leadership, of course the public hearing, we did realize that there was a real issue here and that it was something important for the people of the state of Connecticut.

Mr. President, over the past years there has been, along with many other health care issues, a growth in certain digestive diseases: Crohn's Disease, ulcerative colitis, inflammatory bowel disease, irritable bowel syndrome. Different types of conditions that are very serious to the health, the comfort of many people here in the state of Connecticut.

And one of the problems that we found was that

ch/ks/hl
SENATE

147
May 29, 2009

when they have emergency situations, they're unable to get to a restroom quickly enough, and so what we set out to do was to try, and this was a bill that actually -- give a lot of credit again to our counterparts in the House -- was to try to ensure that they would have access to restrooms when these emergencies arose.

There were of course, at the beginning, some very serious and important questions that were raised by the retail industry because what this bill does, Mr. President, is it requires retail establishments to open their restrooms to individuals with these specific conditions, even though they're typically not open to the public, as long as it's within the normal business hours of the establishment, as long as the restroom is maintained in a safe and a reasonable fashion.

There are some other conditions, too, and these were actually developed through a direct and important conversation with store owners, with people that are patient advocates, with all stakeholders sitting around the table. First there must be written evidence from a licensed healthcare provider that must be presented to the establishment. It must be in a

ch/ks/hl
SENATE

148
May 29, 2009

situation where a public restroom is not immediately available to the customers.

To protect these businesses, many of them small businesses, there must be at least three employees who are working at the time. The employee restroom must be located in an area that does not prevent an obvious risk to the health or safety of the customer or, and this is very crucial, an obvious security risk to the establishment. And perhaps through some of the dialogue here we can flesh a little bit of that out.

We also wanted to make sure that the retail establishments that would be helping out here were protected from liability. So this bill provides liability protection for retail establishments and employees under certain conditions. And it does not require any physical changes so there will be no cost to the store or restaurant to accomplish the ends of this bill.

It also makes any violation an infraction so, you know, this is encouraged. It is the law but we are not making this criminal conduct if a retail establishment violates the provisions of this bill.

Mr. President, again, I went from someone who had some disbelief to someone who saw a real need in our

ch/ks/hl
SENATE

149
May 29, 2009

community, and working with all the stakeholders, I think, crafted a very good bill, and I urge its passage today.

THE CHAIR:

Thank you, sir.

Senator Debicella.

SENATOR DEBICELLA:

Through you, Mr. President. I join Senator Harris in supporting this bill. He gave an excellent summary of how this bill is narrowly crafted to help people who can be in desperate need, when out in the public, of use of a restroom. Crohn's disease, inflammatory bowel disease, this is not a large mandate on the general population. This is very targeted towards those people most in need, and they do need to have a written form of identification from a licensed healthcare provider to actually say that they have the diseases they have.

In addition, there is strict limited liability in this bill towards the different retail establishments who are going to be opening up their private restrooms to these folks. So, Mr. President, I think the impact of this bill will be narrow. This is not going to be something that will be an everyday occurrence for

ch/ks/hl
SENATE

150
May 29, 2009

retail establishments, but when it does happen and when the folks in need do need to have access to a restroom in a very rapid amount of time, this bill will enable them to be able to have that access. So, as much as Senator Harris said, this year on Public Health in many ways has been a year of learning about situations that people face that we might not have been aware of. This is one that's come to our attention. We've learned a lot about it, and we stand in proud bipartisan support for it. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. A few questions through you to the proponent of the bill.

THE CHAIR:

But of course.

Senator Harris.

SENATOR KISSEL:

Thank you very much. I know that in the statements made by you and my good friend and

ch/ks/hl
SENATE

151
May 29, 2009

colleague, Senator Debicella, it was spoken of in terms of retail establishments. Is this bill limited strictly to retail establishments? Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, yes.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, and what is the legal definition of a retail establishment? Would that be an automotive dealership? How expansive is that? Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, this bill is directed at stores and local establishments that sell goods, the places where you typically would have consumers going to purchase goods and services.

THE CHAIR:

Senator Kissel.

ch/ks/hl
SENATE

152
May 29, 2009

SENATOR KISSEL:

Thank you very much, and would that also include food preparation establishments such as bakeries or things like that?

Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, if they were retail, yes I believe it would.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And it's also my understanding that this has nothing to do with public restrooms. Clearly public restrooms are open to the public and could accommodate people with health needs but that this is specifically directed towards employee-only bathrooms. Is that correct? Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, yes.

ch/ks/hl
SENATE

153
May 29, 2009

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, and through you, Mr. President, my understanding when we voted on the bill in General Law and I voted in opposition at that time, was that these retail establishments would have to have at least three employees in the facility at that time. Is that still the predicate?

Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, yes.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, and through you, Mr. President, are we now requiring folks that are involved in retail, whether it's small family run bakery with three employees or anything up to a Walmart or a Target, for all those retail employees to be informed and educated as to what's the requirement regarding the medical information that needs to be

ch/ks/hl
SENATE

154
May 29, 2009

provided to access an employee bathroom?

Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, there is no specific section on education in the bill.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, but for an individual who is allegedly suffering from some kind of medical condition, it's my understanding that the requirements of the bill are that that individual would have some kind of documentation from a medical provider indicating that they are so suffering from one of these diseases and that the employees, upon being given this documentation, would have to allow the individuals access to the bathroom. Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, yes if the other

ch/ks/hl
SENATE

155
May 29, 2009

conditions in the bill were also met.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. I have no further questions for the proponent of the bill, but I'm going to state why I rise in opposition to it. Quite often we have the best of intentions here in the circle. You know the whole idea of trying to get into a bathroom when you are in a crisis situation, I think, is analogous to if you're a mom or a dad and your kid has got to go. You are there pulling off the side of the road and going anywhere that there might possibly be a bathroom and essentially begging for the mercy of whoever is in control of that bathroom.

So I'm extremely sympathetic for individuals that may be suffering from these diseases, but on the other hand, I'm concerned about when my local chambers of commerce who are fretting about the economy, making due with less employees, really trying to eke things out, find out that they now have the responsibility to accommodate individuals who, upon demand and upon the providing of adequate documentation, have a right under law now to access what is heretofore an employee

ch/ks/hl
SENATE

156
May 29, 2009

bathroom.

And I can just hear it. When I go to my next chamber meeting, my next chamber breakfast, then talking about this bill. It's going to come as a shock and a surprise to them. And the reason it's going to become a surprise to them is that they're going to feel that now they have the responsibility of educating their workforce. God forbid somebody says no when the proper documentation is provided. They may be worried about exposure to some form of liability, and I don't believe that the bill itself affords anybody with a huge exposure to a massive amount of liability, but this is a slippery slope and this is how things happen.

I'm not quite sure what the responsibilities are. I know the bill has been finally drafted, and I always enjoy working with Senator Harris on things such as this, and he's a pleasure to work with, and his constituents are very lucky to have him here in the circle. But, you know, there might be some things in that bathroom that may pose a risk. I don't know if you don't have the proper handrailing or something or someone gets injured in that bathroom what kind of exposure there is to the business.

ch/ks/hl
SENATE

157
May 29, 2009

And just the notion that an employees-only bathroom we are now changing that paradigm and saying, well, upon proper documentation, that has got to be opened up to someone that's got to go who's suffering from some kind of medical disability, to me, is one step too far.

I will freely admit I wasn't at the public hearing. I didn't hear the advocates championing this. But on the other hand, I do hear from a lot of my small business folks, and to me this is just going to be an additional mandate on business and something that may be a bit confusing and may ultimately lead to some kind of legal liability.

I believe that the proponents of this measure have the best of intentions, but I don't feel comfortable at this point in time passing legislation that would require private businesses to open up what has been designed specifically as a private employees' bathroom up to the public even if these individuals have a medical emergency.

On the other hand I trust the good faith and common sense and compassion of the business community. I know that in those instances whether it was Nathaniel or Tristan that had to be rushed into a

ch/ks/hl
SENATE

158
May 29, 2009

bathroom or even if you're traveling somewhere and someone needs to change a diaper, quite often folks, retailers, are very accommodating. But I'd rather have them do it out of compassion than out of fear of potential liability or feeling that it's been imposed upon them by the Connecticut Legislature, and for those reasons, Mr. President, I'll be voting no on this legislation. Thank you.

THE CHAIR:

Thank you, sir.

Will you remark further on House Bill 6328?

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Through you to Senator Harris.

THE CHAIR:

Senator Harris.

SENATOR FASANO:

Senator Harris, with respect to first line -- lines 25 through 26, which says at the time that the request for access to the employee restroom is made three or more employees of the retail establishment are working. Just so I can clearly understand this, it's my understanding that that provision is put in

ch/ks/hl
SENATE

159
May 29, 2009

there so that for safety of the retail store so that they could keep an eye on maybe someone making their way to the bathroom and still be able to take care of customers. Is that my fair understanding of the import of those lines? Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, yes this is just one of several conditions that were put in to directly address the concerns of retail establishments.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So I just want to be clear, because these are the types of instances that show up in real life, and I just want to put legislative history into a real life situation. So if you have three employees who are working -- working means on site, or does it mean, if you would, punched in on the clock?

Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

ch/ks/hl
SENATE

160
May 29, 2009

Through you, Mr. President, I believe that it means on site because that is the intent to provide the security for the store, the goods, and the people in the store.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So if you had a company that had several workers, let's say five or six, but they were all in their cars doing their business calls such that one employee was behind the cash register, four employees were out selling car parts or what have you or selling some retail stuff or dropping it off, that would be something that would not qualify under that section because they're off-site. Is that a fair understanding? Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, yes.

SENATOR FASANO:

And through you --

THE CHAIR:

Senator Fasano.

ch/ks/hl
SENATE

161
May 29, 2009

SENATOR FASANO:

Sorry, Mr. President. Through you, Mr. President, the -- line 30 through 31 talks about an obvious security risk. Would that risk be in play, if you would, if I had a safe that, on the way to the bathroom, a customer would be able see that there was a safe on the way to the bathroom? Would that be deemed a security risk?

Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, yes.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So the security risk would also involve some not necessarily life-threatening or risk to vulnerable areas, but also some economic value based upon a place where there's valuable objects that would be readily visible to someone on their way to the bathroom. That's the import of that provision? Through you, Mr. President.

THE CHAIR:

ch/ks/hl
SENATE

162
May 29, 2009

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, yes if there was inventory for instance in the back, something that could be stolen, because again this condition, and all these conditions, were put in place to address the concerns and protect the retail establishments, to provide the appropriate balance between access but not overburdening the local business.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

I thank Senator Harris, Mr. President, for those answers. I do share the same concerns Senator Kissel has for this bill in terms of its impact to the many businesses. I do appreciate Senator Harris's ability to try to balance the need of those who have these afflictions with the need to keep our businesses secure. And I think that those lines that we just went over are extremely important to the bill, especially for legislative history, so that we can understand that the purpose of this is to give access where access can be fair and not burdensome and expose the retail stores to some high security risk.

ch/ks/hl
SENATE

163
May 29, 2009

I may not support this bill, but I do appreciate the delicate nature for which Senator Harris went through to get the language that's on there, as well as Senator DeBicella, in achieving the goal, and I thank the good Senator for his answers.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Harris for a second time, sir.

SENATOR HARRIS:

Thank you, Mr. President for a second time. Mr. President, I seldom -- a lot of times I don't even get up, and I seldom get up for a second time, but I do want thank Senator Fasano and Senator Kissel for their thoughtful question, because these are the exact questions that we on the public health committee went through in getting comfort with this bill. But I just want to emphasize two pieces that directly go to some of Senator Kissel's concerns.

It does clearly state in this bill that a retail establishment or an employee of the retail establishment, so owner, employee, etc., shall not be liable for any acts or omissions in providing a customer access to employee restrooms pursuant to the

ch/ks/hl
SENATE

164
May 29, 2009

provisions. So there is a clear protection of liability. Nothing is ever perfect, and I think that's what Senator Kissel's concerns are, but there is a clear protection from liability.

And on the cost issue, too, which we're very sensitive to all times, but in particular in these bad times, the bill specifically says that no retail establishment shall be required to make a physical change to the employee restroom to effectuate purposes of this act. So if it is there, if it is available, if it doesn't have a security risk, if it doesn't have any other type risk to the health and safety, then there must be access. And of course if it's possible so and that's where the three people working on the premises come into place, then it would be required.

So I thank my colleagues for their concerns. I hope they're addressed, but I understand where they're coming from.

THE CHAIR:

Will you remark further on House Bill 6328?

Will you mark further?

If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

ch/ks/hl
SENATE

165
May 29, 2009

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll has been ordered in the Senate. Will all Senators please return to the chamber

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion on passage of House Bill 6328 in concurrence with the action in the House:

Total Number Voting	36
Necessary for Adoption	19
Those voting Yea	33
Those voting Nay	3
Those absent and not voting	0

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

Calendar Number 631, File Numbers 5667 and 926, House Bill 6358, AN ACT CONCERNING ADDITIONAL

H – 1046

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2009**

**VOL.52
PART 10
2925 – 3245**

dt/rgd
HOUSE OF REPRESENTATIVES

180
May 6, 2009

REP. FLEISCHMANN (18th):

Thank you, Mr. Speaker. Mr. Speaker, just last week, this chamber recognized dozens of great young people who served as interns up here this session. My intern this year is a terrific, talented, hard-working young man who comes from Trinity College, which is separate from the other internship programs. So he was not part of that great group of young people so recognized. Greg Monise worked extremely hard for my committee and everyone in our office this entire session, taking on multiple tasks and fulfilling them with great intelligence and dedication. And I just wanted to thank him for his work and ask the chamber to give their normal warm welcome.

SPEAKER DONOVAN:

The Clerk please call Calendar Number 369.

THE CLERK:

On page 42, Calendar 369, substitute for House Bill Number 6328, AN ACT CONCERNING CUSTOMER ACCESS TO RESTROOMS IN RETAIL ESTABLISHMENTS, favorable report of the Committee on General Law.

SPEAKER DONOVAN:

Representative from Danbury, Representative Taborsak.

dt/rgd
HOUSE OF REPRESENTATIVES

181
May 6, 2009

REP. TABORSAK (109th):

Thank you, Mr. Speaker. I move for acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the joint committee's favorable report and passage of the bill. May you remark, sir.

REP. TABORSAK (109th):

Yes, Mr. Speaker. If the Clerk could call LCO 6438, I would ask for leave of the chamber to summarize.

SPEAKER DONOVAN:

The Clerk, please call LCO 6438, which will be designated House Amendment Schedule A.

THE CLERK:

LCO Number 6438, House A offered by
Representatives Ritter, Giegler and Senator Harris.

SPEAKER DONOVAN:

The Representative seeks leave of the chamber to summarize the amendment. Is there objection to summarization? If not, Representative, you may proceed with summarization.

REP. TABORSAK (109th):

Thank you, Mr. Speaker. Mr. Speaker, House Bill 6328 gives people who suffer from Crohn's disease, ulcerative colitis, and similar eligible medical conditions listed in the bill, the right to access employee restrooms of retail establishments upon presentment of acceptable written documentation from an eligible health care provider.

House Bill 6328 accomplishes helping these Connecticut residents function in society with a peace of mind they currently do not have without unduly burdening our businesses. House Bill 6328 passed out of the Public Health Committee with unanimous bipartisan support. It brings a positive possible revenue gain to the state. Upon passage of House Bill 6328, Connecticut will join a growing list of states that have already passed similar legislation including Maryland, Minnesota, Tennessee, Michigan, Texas, Colorado and Washington state.

I'd like to thank the chairs and the ranking members for their work on this bill in addition to Rep Klarides who has been a supporter from the start and also Representative Orange, for their help and support on this bill. It's an opportunity for us to help a lot of people in the state of Connecticut. I urge my

dt/rgd
HOUSE OF REPRESENTATIVES

183
May 6, 2009

colleagues to support it and I move adoption.

SPEAKER DONOVAN:

The question before the chamber is adoption of House Amendment Schedule A. Will you remark on the amendment? Remark on the amendment? If not, let me try your minds. All those in favor of the amendment, please signify by saying, aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Remark further on the bill as amended? Will you remark further on the bill as amended? If not, staff and guests come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Members, please check the board and make sure the vote has been properly cast. If all the members

dt/rgd
HOUSE OF REPRESENTATIVES

184
May 6, 2009

have voted, the machine will be locked and the Clerk will please take a tally. Will the Clerk please announce the tally.

THE CLERK:

House Bill 6328 as amended by House A.

Total Number Voting 143

Necessary for Passage 72

Those voting Yea 122

Those voting Nay 21

Those absent and not voting 8

SPEAKER DONOVAN:

The bill as amended is passed.

Will the Clerk please call Calendar Number 441.

THE CLERK:

On page 16, Calendar 441, substitute for Senate Bill Number 959, AN ACT CONCERNING EXTERNAL APPEALS OF ADVERSE DETERMINATIONS BY A MANAGED CARE ORGANIZATION, HEALTH INSURER OR UTILIZATION REVIEW COMPANY, favorable report of the Committee on Insurance and Real Estate.

SPEAKER DONOVAN:

Representative Steve Fontana.

REP. FONTANA (87th):

Thank you, Mr. Speaker. Mr. Speaker, I move for

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
HEALTH
PART 1
1 – 312**

**2009
INDEX**

settled a case of this nature, at least the two that I know fairly well, there was nondisclosures. You can't tell anybody otherwise we get to get back the money, you know, stuff like that in there, so a lot of these cases didn't break the walls of a courthouse.

REP. LYDDY: Great. Thanks.

SENATOR FASANO: Thank you, Representative Lyddy.

REP. RITTER: Are there any further questions from the committee?

Thank you very much, Senator Fasano. I know we'll be discussing this further.

SENATOR FASANO: Thank you very much. And thank you all for your time.

REP. RITTER: Thank you.

We have exceeded our hour, and so we will be alternating testimony from members of the public with officials. And so the next -- the first bill for the public to begin testimony on is House Bill 6328, An Act Concerning Customer Access to Restrooms in Retail Establishments. And the first person is Jennifer Jaff.

Is she here? Yes.

A VOICE: She is.

REP. RITTER: Yes.

JENNIFER JAFF: Senator Harris, Representative Ritter, members of the committee and, in particular, Representative Taborsak who I want to really thank for his leadership on this

issue.

You have my written testimony, but I want to talk to you from my kind of unique perspective. I am executive director of Advocacy for Patients with Chronic Illness. I myself have Crohn's Disease. I suffer from fecal incontinence on a fairly regular basis. This is very much a part of my daily life. But, more importantly, I, in my professional capacity, I field all legal questions that are posed to the Crohn's and Colitis Foundation of America by patients. And so I have represented patients all over the country who have had problems in retail establishments where they were not allowed to use the bathroom.

There are almost identical legislation already exists in Illinois, Texas, Maryland, Minnesota, Tennessee and Colorado. The experience in those states has been that there has not been any undue burden on retailers. What this has done is sort of raise the consciousness of retailers, so that patients can get access to sanitary facilities when they need them.

I had a woman, for example, who was shopping for clothing and asked to use a restroom and she was denied permission to use the restroom, she had an accident, she soiled her clothes, and the whole situation was very unsanitary, very embarrassing, of course, but also medically because of the unsanitary condition it really creates a risk for everybody including the retailer. And in that case, we communicated directly with the retailer. The retailer apologized, and this woman now has free access to that retailer's restroom at all times, and she actually got a new set of clothing as well. However, in the absence of

this sort of legislation it's not clear that we could have gotten that kind of a result.

My biggest concern has been the enforceability of this statute in other jurisdictions where it exists. I'll just, for -- if I might, there was -- we did have a case in Illinois in which a woman tried to use a restroom in a restaurant and she was not allowed to do so. And during the conversation, because it became a protracted conversation, it became clear that the retailer had no idea that the law even existed. She then went to the police who said that they had no authority to enforce it. She went to the local Department of Health who said that they had no authority to enforce it. And so I would urge you to look, perhaps, at the Minnesota statute which requires that the city or county attorney write a warning letter to a retailer on the first occurrence of a violation of this act, which puts the retailer on notice before any fine is levied. And so I would urge you to look at doing something like that so that everybody is aware of what their obligations are.

But if you have any questions about experiences in other states, I'm happy to answer those questions.

REP. RITTER: Thank you very much for your testimony.

Are there questions from the committee?

I'm sorry, Representative Taborsak.

REP. TABORSAK: Thank you, Madam Chair. Thank you, Attorney Jaff, for being here, and I just want to make the comment that really it's advocates like you that have brought this bill to the attention of Legislators like myself and have

created success stories in other states like Illinois, Tennessee, Minnesota, Texas and Colorado, which really has made a compelling case for Connecticut to take up this issue and have some compassion for people that suffer from Crohn's and like illnesses. So I just want to take this as a moment to thank you for your efforts.

JENNIFER JAFF: Thank you very much.

REP. TABORSAK: Okay. Thank you very much.

JENNIFER JAFF: Thank you.

REP. RITTER: Any other comments or questions from the committee?

Senator Harris.

SENATOR HARRIS: Good morning, Jennifer, good to see you.

JENNIFER JAFF: Good morning, Senator Harris.

SENATOR HARRIS: Thank you for coming here, as always, but more importantly, I have been personally familiar, of course, with all your advocacy, and thank you for all that you do on the ground every day --

JENNIFER JAFF: Thank you.

SENATOR HARRIS: -- which is why your testimony is always so valuable.

I have a couple of questions. With respect to the bill when it defines the eligible medical conditions, is that to you an exhaustive list? Are there others that might be included or that are included in other state statutes?

JENNIFER JAFF: No, actually the definition of eligible customers is identical in all of the states state legislation on this issue. So it's inflammatory bowel disease, which is Crohn's Disease, Ulcerative Colitis, Irritable Bowel Syndrome and then people who have had ostomies as a result of, perhaps, colon cancer or other kinds of conditions.

SENATOR HARRIS: In your experience, would there be any other types of conditions or diseases which might warrant coverage under this type of statute?

JENNIFER JAFF: Not that I'm aware of.

SENATOR HARRIS: My cousin has Colitis and he actually has an ID bracelet. Is it the case that people that have these conditions can actually get a medical alert bracelet for each of these conditions?

JENNIFER JAFF: They can. It's -- it's not something that most people do because it's -- these diseases aren't generally conditions where you've got that emergent kind of situation where you might need an ambulance or a paramedic to know that you have a particular condition. And generally patients remain conscious, even when they're sick, so that hasn't been an issue.

There is, in one of -- one of the other state statutes, and I can tell you which one, if you like, there's a requirement that the person, the consumer, show some sort of proof that they have one of these eligible conditions, and I don't know if that's what you were getting at. My concern with that is very simple. If you have one of these conditions and you need a bathroom, you don't have time to show somebody a letter from your doctor or

get into a protracted conversation about whether you're sick enough to come under the statute, and so I think the way it's drafted is appropriate.

SENATOR HARRIS: But the way it's drafted, if I'm understanding what you're saying, in lines 21 to 24, it requires the customer requesting access to present evidence. So you don't think that should be there?

JENNIFER JAFF: I don't think that should be there. And if the -- I have an unlined version so I apologize. I don't -- I don't think that there should be much of a conversation about whether the person is eligible to use the restroom. There are ways that this can be handled. I know most of us with Crohn's or Ulcerative Colitis carry a little card that we get from the Crohn's and Colitis Foundation of America that says I have Crohn's Disease or Ulcerative Colitis and I may need a bathroom quickly. And so, you know, that's one way that we could show that. But what's important is that there should not be a long protracted conversation about whether you're eligible to use the bathroom because by the time you're done having that conversation, it's too late.

SENATOR HARRIS: Then that -- wouldn't that counsel, in favor of given the exigent circumstances you're describing of having a bracelet, something that you know is on you, that's easy to show, that's automatically accepted, not having to be read, wouldn't it counsel in favor of that, if you're going to require any ID at all?

JENNIFER JAFF: I wouldn't object to that as long as members of the public are aware that they need to have that if they want to avail themselves of the protection of the Act.

SENATOR HARRIS: Thank you. And in line 25, in your experience and in other state statutes, one of the conditions is that a public restroom is not immediately accessible to the customer. What does that mean? I mean, in a mall there could be a bathroom a couple hundred yards away, it could be, you know, a half a mile away. What does immediately accessible mean to you and in other states' statutes?

JENNIFER JAFF: Well, I can tell you from personal experience that the sense of urgency is tremendous, and when you need a bathroom you need it in like 30 seconds. So half a mile away is not immediately accessible.

However, most of us learn to identify the location of restrooms everywhere we go at all times, and so if we can get to a publicly available restroom we do. We only go into a retail establishment as a last resort. And I think you can count on consumers not to want to have this conversation with anybody and to avail themselves of a public restroom if one is available.

SENATOR HARRIS: Then under that scenario, isn't having this condition where there's subjectivity on what is immediately accessible kind of dangerous and possibly a hindrance to the goal that you have? Shouldn't it be just I show up, I need it, I have my bracelet or whatever or nothing, and I can use it. I don't have to keep going back and forth as to whether there's one 200 yards away or 20 feet away?

JENNIFER JAFF: That's fine. That would certainly be fine with me. I think the tighter we can make this, the easier we can make it for

people to avail themselves of a restroom, the better off people are going to be.

And remember, it's not just for the patient. If somebody has an accident, it affects everybody around them. It is an -- it creates an unsanitary condition in the retail establishment. It creates a poor condition for every other consumer in the area. So it's not just about taking care of patients, this is important for the public in general and for retailers as well.

SENATOR HARRIS: As a final question, how have the statutes in other states protected the very real interests of the retail owner about security risks, liability risks, and otherwise, is what we're trying to do in this draft here common? Is it effective on the ground in other places?

JENNIFER JAFF: I'm not aware of a single instance in which a retailer has been held liable for any kind of damages beyond just the violation of the Act. There is an immunity provision in this legislation just as there is in every other state with a similar law. In addition, in this legislation there is a requirement that there be at least three people working in the retail establishment so that there's somebody who can monitor the consumer, if they're going into a back area to use an employee restroom, make sure they are not stealing, make sure that they're not, you know, getting sicker, you know, so there -- so there are protections that Representative Taborsak has ensured or included in this year's version of this legislation to -- to address those concerns. Those provisions that are now included here have been sufficient to protect retailers in other states.

SENATOR HARRIS: Thank you. Thank you for your testimony. Thank you, Representative Taborsak and others for bringing this forward.

I think this is an important discussion, and I think it's an important effort. My concerns were how does this actually play out on the ground. We like to put words on a page in this building and forget how things actually play out, and you've helped me understand that, so I appreciate that. I knew you would, so thank you.

JENNIFER JAFF: Thank you, Senator Harris.

REP. RITTER: Representative Gentile.

REP. GENTILE: Thank you, Madam Chair.

Jennifer.

REP. RITTER: Jennifer, we need you back.

REP. GENTILE: Don't run away.

JENNIFER JAFF: Sorry.

REP. GENTILE: That's okay.

Jennifer, I just have a couple of questions for you. Your organization, the Crohn's Colitis Organization, are you familiar with Celiac or Sprue Celiac Disease?

JENNIFER JAFF: Actually my organization is Advocacy for Patients with Chronic Illness. We do work with the Crohn's and Colitis Foundation of America. I just want to make that clear.

REP. GENTILE: Okay.

JENNIFER JAFF: Somebody else will be testifying for the Crohn's and Colitis Foundation.

I am very aware of Celiac Sprue and Sprue. And those might be that -- I suppose in response to Senator Harris' question of what other illnesses might be added as eligible conditions, that would certainly be one. And I apologize for not thinking of that, but you're right, people with Celiac Disease and Sprue do suffer from uncontrollable diarrhea. To a large extent it's controlled by diet, and so most -- most of the time once patients get on a pretty routine diet, they don't have that kind of urgency, but certainly it -- it might make sense to add that as an eligible condition.

REP. GENTILE: Okay. So you would not be opposed to that?

JENNIFER JAFF: No, of course not.

REP. GENTILE: Okay. Because obviously all of the urgency and all of the symptoms are the same.

JENNIFER JAFF: Yes.

REP. GENTILE: And as a Celiac patient, I understand that it is controlled strictly by diet; however, there are occasions when you are at a restaurant and you tell them that you are a Celiac patient or gluten intolerant, and they don't understand, and you could ingest something that can affect you quite badly. So there would not be an opposition to adding Celiac in there?

JENNIFER JAFF: Not at all. And, in fact, going down that road, you might also include lactose intolerance because it, too, has the same effect of creating urgency, and sometimes

there is lactose or, you know, whey protein --

REP. GENTILE: Correct.

JENNIFER JAFF: -- in -- in things that you don't know about in a restaurant.

Most of the time when you're in a restaurant and you're eating at the restaurant you have a bathroom available to you, and so that's -- that's the less common instance in which you need this kind of legislation, but we certainly would have no objection to adding those to the list of eligible conditions.

REP. GENTILE: Okay, thank you, Jennifer. Thank you, Madam Chair.

REP. RITTER: Are there any other questions?

Thank you very much. I have just one or two quick questions.

JENNIFER JAFF: Sure.

REP. RITTER: You listed --

JENNIFER JAFF: I'm so used to getting chased away after three minutes.

REP. RITTER: Hopefully, you'll be comfortable.

You gave us a list of states, and Representative Gentile went on to ask about, among other things Celiac, and I wondered if any of those states have addressed specifically that particular condition?

JENNIFER JAFF: No, they have not.

REP. RITTER: I know that when we start doing this there's always a lot of argument or what we

might call push back as we start listing various conditions and then moving further on -- it can be an issue, and I think we're sensitive to that, too. So I would ask that, perhaps, if you had a moment to help us think about that list and maybe get back to us with your thoughts and understanding that often, in cases like this, it's possible for us to go too far as well and, you know, I don't think anybody here is interesting in doing that. I think we want to help folks as much as we can in this particular situation. So I would ask for that.

JENNIFER JAFF: Actually what I can do is consult with some gastroenterologists and see if they have any input as to, you know, any other eligible conditions and then get back to you, you know, with a more complete list.

REP. RITTER: Thank you, that would be very helpful, and I think the committee would appreciate it. And I also want to thank you for your time and your candor in your testimony.

JENNIFER JAFF: Thank you. Thank you all for -- for your time.

REP. RITTER: Returning to our first list, that would be Representative Bob Godfrey, is he here. No?

Okay, I'll take the next person on that list, and that's Representative Betty Boukus, who is here.

Representative Boukus.

REP. BOUKUS: Good morning everyone. I have never sat in on a public hearing for Public Health before, so this has been an eye opener for me.

SB757

treatment is best for survival for newborns with Cystic Fibrosis. My mom was my biggest advocate as an infant, whether it was speech and hearing concerns, respiratory issues, allergies or anything else, she was there fighting for me. Don't we want that for all newborns? Not all newborns have someone like my mom, but they do have you. You can speak on their behalf by ensuring their health in Connecticut and mandating that all newborns be screened adding Cystic Fibrosis to that screening.

Thank you for listening to my story, and agreeing that we need to end prematurity and continue our fight for all newborns making their health our number one priority, so other families do not have to go through what me and my family did.

Thank you.

REP. RITTER: Thank you very much, Annalisa.

Are there any questions from the committee?

Thank you again --

A VOICE: Thank you.

REP. RITTER: -- for coming and sharing your story, and I can speak as a mother, I'm sure she is so very proud to hear your words. Thank you.

Our next speaker will be Tim Phelan and we're back on our public schedule speaking to House Bill 6328.

TIMOTHY G. PHELAN: Thank you Representative Ritter, Senator Harris, Senator DeBicella, Representative Giegler and members of the Public Health Committee, this is my first

foray through the Public Health Committee this year, so it's a pleasure to be here.

As you mentioned, my name is Tim Phelan, I'm the president of the Connecticut Retail Merchants Association. CRMA is a statewide trade association representing the retail community throughout Connecticut. We include some of our members and include some of the world's largest retailers and many of the State's main street merchants:

I'm here today to testify in opposition to House Bill 6328, An Act Concerning Customer Access to Restrooms in Retail Establishments. And while I understand and appreciate the good intentions behind this bill, I also know that requiring commercial facilities to open their restrooms to the public, even under the narrow construction of this bill, has broad implications. These implications would be felt most exclusively on our smaller main street merchants. The problems which the bill seek to address most likely will not impact our mall members or larger retail stores who do have public restrooms. Although the bill is narrowly drafted and presents a set of conditions that must be met for the bathroom to be accessed, we still have some concerns about the liability that it imposes upon the retailer.

Many retailers in main street locations have restrooms that are located in the ba -- in the basement or in the stockroom area of their building, not always easily accessible from the selling floor. Opening these restaurants to the public raises serious and expensive liability concerns.

Also, there are cost implications to the retailer that also have to be taken into

consideration. Currently, under the Americans with Disability Act, when a bathroom is open to the public -- open to the public, accommodations must be made. Because the current law does not require that bathrooms are open to the public, many of our smaller retailers may have employee restrooms that are not covered under the ADA.

In closing, while we are very sensitive to this issue and appreciate the committee's careful drafting of the bill and the previous testimony in which we heard, at this time we would remain opposed to it as drafted, but look forward to working with the committee if this bill should continue through the legislative process.

Thank you.

REP. RITTER: Thank you very much.

Are there any questions from the committee?

Yes, Senator DeBicella.

SENATOR DEBICELLA: Thank you very much, Madam Chairman.

Tim, in hearing your testimony, it sounds like your opposition is mainly around a potential liability; is that the crux of your argument?

TIMOTHY G. PHELAN: I think that's what I've articulated, but as we listen through the testimony and hear more -- read more the bill in detail, there may be other issues as well.

SENATOR DEBICELLA: Well, because in listening to the testimony, it doesn't seem like this is an undue burden upon retailers to let folks in this very narrowly defined group use the

restroom. The question is on the liability there is language in here in Section C to try to restrict liability. You know, the question to you is is there other language that you would want to see to restrict liability? Because I think, from my perspective, this does not sound like an undue burden on business, it sounds very reasonable, but understand the concerns about liability. Is there some way you would want to see tighter language around that?

TIMOTHY G. PHELAN: Well, if I -- I can't -- you know, I don't have anything presented now, but if I had some time to look at it and maybe come back, if the committee wants to move forward with it with some, you know, strict, tighter language, but I don't, you know, at this -- I mean, for us we just are reviewing this bill and listening to the testimony and we'll take another look at it.

SENATOR DEBICELLA: I would ask that you do that because, you know, I'm very inclined to support this bill, but understand the needs of the business community in terms of you don't want additional liability from this, and I don't think that's the intention on the part of the advocates. So if you do have tighter language on this --

TIMOTHY G. PHELAN: Sure.

SENATOR DEBICELLA: -- that would be helpful.

TIMOTHY G. PHELAN: And I heard testimony from the previous -- from your previous speaker. It talked about other states. And I'll talk to my colleagues in those states and how they've dealt with this issue and if there is some information that we can gather from them that might -- that may assist us, we'll certainly

do that.

SENATOR DEBICELLA: That would be great. Thank you. And thank you, Madam Chairman.

TIMOTHY G. PHELAN: But I just -- I just hope that the committee understands initially, you know, a small main street merchant would be concerned about how this would impact their business, and that's why we want to bring that to the committee's -- committee's attention. It's not -- it's not as if we're not sensitive, or probably many of our members may even have family members that have some of these conditions and can understand and appreciate relationships with customers and want to make sure that those are -- that those remain, you know, solid, but at the same time there are real-world implications that we have to take into consideration.

REP. RITTER: Thank you.

Are there any other questions?

Representative Taborsak.

REP. TABORSAK: Thank you, Madam Chair. And thank you, sir, for coming here to testify.

To kind of follow along Senator Debicella's comments, you know, we're open to hearing the business community's concerns on this and we have, I think, attempted to put together a bill that addresses kind of the common sense concerns, liability, security, et cetera. And I'd just like to bring to your attention also, a subparagraph 4(d), and this is relevant to your concern about businesses incurring costs associated with upgrading their bathrooms to meet ADA requirements. So if you can take a look at that language which reads, "No retail

establishment shall be required to make a physical change to the employee restroom to effectuate the purposes of this section," and when you get back to us and Senator Debicella's questions, talk to your people and find out if that language, you know, could be modified. To me, it's very clear, if you're telling us, if it's your testimony that that language doesn't get us there, please come to us with suggestions so that we can do that. Thank you.

TIMOTHY G. PHELAN: I will. My -- my first reading of this though is that the Americans with Disabilities is a federal act which would trump any state act, but I would certainly take a look at that.

And I understand and appreciate that language, because I think it is an attempt, on your part, to address the concern that we have. I just -- I'll have to talk to somebody smarter than me to figure out whether or not this complies with the ADA.

REP. TABORSAK: And if you do have resources and people to speak to on this issue in states where similar acts have been passed, I do believe that you'll find language like that in some of the other bills that have become laws, and how they've dealt with that with respect to, you know, ADA requirements, that would be helpful.

TIMOTHY G. PHELAN: Sure.

REP. TABORSAK: Thank you.

REP. RITTER: Senator Harris.

SENATOR HARRIS: Actually, Madam Chair, I think it basically got to my question. It sounded like

what you're saying, Tim -- and thank you for coming and expressing these concerns, because we all want to make this something that's practical and doesn't overburden business unnecessarily -- that you're saying that just by giving access to the public then the ADA just comes into play, is that what you're --

TIMOTHY G. PHELAN: That's what I understand, Senator, yes.

SENATOR HARRIS: Okay. If we can just get clarification on that through you and our attorneys and everyone else, then we can try to figure that out. Thank you.

TIMOTHY G. PHELAN: Sure.

REP. RITTER: Any further questions?

Thank you, Mr. Phelan. As you can see, there's a lot of interest in getting that information.

TIMOTHY G. PHELAN: Yes. Yes. I got that.

REP. RITTER: Thank you very much.

TIMOTHY G. PHELAN: Thank you.

REP. RITTER: Next we have Representative Fawcett together with Representative Reeves.

REP. FAWCETT: Representative Ritter, Senator Harris, and members of the Public Health Committee, I thank you for this opportunity to speak before you today, and for your willingness to hear testimony on HB 6200. I'm joined by 12 additional co introducers and a mounting number of cosponsors to bring this bill before your committee for consideration.

REP. RITTER: Thank you.

Any other questions from the committee?

Thank you, Representatives.

I'd next like to call Mary Clavette. I hope I pronounced that correctly.

PATTY SMITH: Honorable cochairs, ranking members and members of the Public Health Committee, thank you for raising House Bill Number 6328, An Act Concerning Customer Access to Restrooms in Retail Establishments. My name is Patty Smith, and I am from Danbury, Connecticut, and this is my friend Mary Clavette from Newtown, Connecticut.

This bill is very important to me because my 28-year-old daughter, Carrie, has Crohn's and I have witnessed the pain and embarrassment she has suffered when she's been refused access to a bathroom in a retail store. I know we can all identify with an urgent need to use the bathroom, but imagine your stomach pain so severe it can cause you to vomit or faint and your body will soon be out of control. Then the urgency is something that most of us cannot understand. That is what Carrie goes through when she has to ask permission to use the bathroom. She is not able to just keep walking until she finds the next public restroom. Her body will not let her. Once she is refused access, it is painful to watch her embarrassment. But what is even more difficult for me to see is the panic in her face, like a deer in headlights, what do I do next. The outcome is almost never good.

Imagine what it's like to make your way home after -- after having an accident in a public

place. One accident might take weeks or months to overcome. Her world becomes very small again, home, work, and maybe the movies. After working so hard to expand her world, she's back to square one.

Carrie works five miles from home and passes plenty of accessible restrooms along the way. A couple of weeks ago she was stuck in traffic one mile from home, and called me in a panic. She was not going to make it to the next accessible bathroom in time. If this bill had been passed, she would have made it to the card store or the cleaners, and the outcome might have been so very different.

From my experience, I can assure you that these stores have nothing to fear from Carrie. She cleans up after herself when using these restrooms, sometimes cleaning bathrooms that were very gross before she used them. She looks for construction sites when driving, because she knows they have porta potties. Imagine that's the choice she makes because she knows small stores will refuse her request.

Please lend your support to this very important bill. Carrie is very grateful for the compassion she has received from her family and friends, and now we need your help for her to receive the compassion from strangers.

Thank you for your time and consideration, and please support this very important bill.

And now my friend Mary.

MARY CLAVETTE: Good afternoon, I'm Mary Clavette of Newtown. I would like to thank each member of the Public Health Committee for raising

this very important clear and compassionate bill.

I also have a daughter, Amy, who is 22 years old and suffers from Crohn's disease. There is never a time that has -- there is never a determined time when my daughter will have what we call an attack or an accident and need a restroom. It does not pick a time or location. It can happen any time anywhere. There is always so much stress in planning to travel because of what we call bathroom anxiety, not knowing when and if an attack will occur and whether or not the restroom will be available to you.

This bill will allow many individuals who suffer from Crohn's, Colitis and many other inflammatory bowel diseases the ability to travel with less stress from bathroom anxiety, knowing that they will have a bathroom available to them, if needed, anywhere any time.

Thank you for your time and support of this very important bill.

We are available for any questions.

REP. RITTER: Thank you very much.

Are there any questions from the committee?

Representative Taborsak.

REP. TABORSAK: Thank you, Madam Chair.

Just a comment, thank you Mary and Patty for both coming up here. Really, it's people like you and your concern, as two concerned mothers for their daughters, really put a face on this legislation and really personalize it for all

of us. And thank you for coming up here, traveling all the way from Danbury and Newtown to do so. I know you're missing work and, you know, that's really appreciated, and doesn't go unnoticed by the committee.

So please, you've already helped your daughters and people struggling with Crohn's disease across the state, helping just educate us all more about what these folks go through, you've already done that already. So please be proud of your advocacy. We appreciate it. Thank you.

REP. RITTER: Any other questions from the committee?

And thank you, I want to echo the sentiments of Representative Taborsak, you're wonderful advocates for your daughters.

REP. RITTER: Next I'd like to see if Representative Linda Orange is present or Representative Mary Mushinsky.

We'll go to our last official, that is Rudy Marconi.

RUDY MARCONI: Good afternoon. Representative Ritter, Senator Harris, thank you very much, and the rest of the committee, thank you for this opportunity to testify, what I hope would be the morning but it's the afternoon, but nonetheless, I am appreciative.

The residents of Ridgefield who I represent are acutely aware that the controversy surrounding Lyme Disease diagnosis -- diagnoses and treatment put them at risk. I feel confident in saying that most of our citizens know a friend, a neighbor, or family member who has been severely affected by

HB6200
HB6262

again --

RUDY MARCONI: Thank you.

SENATOR HARRIS: -- your presence, and also admire your ability to multitask on your policy statements with one piece of testimony. So, good luck.

RUDY MARCONI: Thank you. Thank you very much.

REP. RITTER: Thank you.

Are there any other comments or questions from the committee?

Thank you very much, Mr. First Selectman.

RUDY MARCONI: Thank you.

REP. RITTER: We appreciate your testimony.

RUDY MARCONI: Thank you.

REP. RITTER: Next, our next speaker will be Sally Connolly. Is she here?

Thank you.

SALLY CONNOLLY: Thank you and good afternoon, I guess. Senator Harris, Representative Ritter, distinguished members of the Connecticut Public Health Committee, as president of the Central Committee -- the Central Connecticut Chapter of the Crohn's and Colitis Foundation of America, I'm speaking on behalf of members and friends of our organization. We strongly support this simple but important legislation. It would enable individuals who have Crohn's disease, Ulcerative Colitis, Irritable Bowel Syndrome or similar medical conditions to access the toilet facilities of retail

HB 328

establishments that do not have public restrooms.

I cannot overemphasize enough how critically important this legislation is to thousands of adults and children with Crohn's disease and ulcerative colitis in Connecticut, who frequently suffer from sudden and extreme attacks of diarrhea.

Crohn's Disease and Ulcerative Colitis are both inflammatory bowel diseases marked by an abnormal response by the body's immune system. Over 1.4 million individuals have Crohn's Disease or Ulcerative Colitis, and approximately 16,000 of these are in Connecticut. Affected individuals may range in age from shortly after birth, to the oldest ages, but approximately 10 percent of those affected, or an estimated 100,000 nationally, are youngsters under the age of 18.

The symptoms of IBD are persistent diarrhea, crampy abdominal pain, fever, and at times rectal bleeding, but they vary from person to person and may change over time. Loss of appetite, fatigue, and subsequent weight loss also may occur and children may suffer delayed growth.

Because IBD is an auto immune disorder, the diseases are not always limited to the GI tract. The joints, eyes, skin and liver can also be affected. Emotional stress can influence the course of Crohn's Disease and Ulcerative Colitis, but it does not cause the diseases. However, the emotional distress that individuals with IBD sometimes feel is a reaction to the symptoms of the disease itself. It is not surprising that some individuals find it difficult to cope with a chronic illness.

Such illnesses seem to pose -- is that three minutes -- a threat to their entire quality of life. Coping techniques for IBD may take many forms, attacks of diarrhea, pain or gas. I think the two women spoke very eloquently about the problems. We have women who do not leave home because of the possibility of diarrhea. We had a 13-year-old girl who, like the others, became ill, had diarrhea in the middle of a public place, and suffers some severe anxiety and depression.

Obviously this is --

REP. RITTER: Ms. Connolly, excuse me.

SALLY CONNOLLY: Yes.

REP. RITTER: Could I just ask you to finish your sentence?

SALLY CONNOLLY: Yeah, sure, but I have a long sentence.

REP. RITTER: We do have your written testimony.

SALLY CONNOLLY: I know, okay.

REP. RITTER: Thank you.

SALLY CONNOLLY: We support this legislation and hope you will, too. It would really have a very positive impact on the quality of life for people.

I did just want to add that we do have a card, in fact, that CCFA puts out which says, "I can't wait, thank you for your understanding, the bearer of this card has a medical condition that requires him or her to use the bathroom facilities urgently. Thank you for

your cooperation." And people often use this when needing to jump a line in a UConn women's basketball game, say.

REP. RITTER: Thank you. And I hope you'll leave a copy of your card. That would be very helpful.

SALLY CONNOLLY: I will. Thank you.

REP. RITTER: Any questions from the committee?

Representative Taborsak.

REP. TABORSK: Thank you, Madam Chair.

And at the risk of sounding redundant, Sally, I just wanted to thank you for your advocacy on this issue. It's people like you that have really educated us on the issue and have created success stories in other states on this issue. So be proud of your efforts. We really thank you for helping us understand this issue.

Thank you.

REP. RITTER: Any further questions from the committee?

Thank you very much, and we appreciate your passion with your advocacy, so thank you.

Our next speaker, Paul Swenson.

PAUL SWENSON: Good afternoon members of the committee. My name is Paul Swenson. You probably heard enough about diarrhea this morning or this afternoon, that you wanted to hear, but I am here in support of the Connecticut Restroom Act, the Bill 6328.

I was born and raised in Danbury, and still live there. In 1995 I was diagnosed with Ulcerative Colitis. I've always considered it a somewhat embarrassing problem and private problem, and it's sort of taken that nature in my life.

Ulcerative Colitis attacked my large intestine or my colon. I -- the solution, it ended up -- the colon does three things: It absorbs water, it absorbs salt, and it's a storage for convenience for voidance. They ended up solving my problem. I don't have Ulcerative Colitis anymore because they removed my colon from stem to stern, and I'm one of the lucky ones, because the ostomy device that I was able to use or they were able to create for me was internal. You either have an external bag -- you probably heard of colostomy bags, where they now will create an internal bag using the small -- material from the small intestines, and create a bag, so that I have the ability to.

When I had ulcerative colitis I was going to the bathroom somewhere between 20 and 30 times a day. My life, as Mary and Patty talk, well, my life got very small. It revolved around where a bathroom was. I actually just stopped going out. Now with medicine and this bag, I am able to -- I'm only able -- I'm down to six times a day, so it's a wonderful thing for me. My quality of life is wonderful. But because of the problems that this bill is correcting, I didn't go out.

As been explained to you before, the chance and the risk that I took going out was having a real problem, and when I went out I took a back pack with a change of clothes, and I have three kids, and my baby wipes, because that's what it took in order to go out into public.

And it's -- like I said, it's embarrassing and it's private, but that was the nature of the beast.

This bill is -- and I thank the committee for raising this as a committee bill, and I thank Representative Taborsak and Klarides for cosponsoring this bill to help solve that because it's that lack of freedom that we suffer that this bill -- bill takes place.

I urge you to have complete support of this bill and it's passage, and I think the liability piece and the security piece, the carving out of that liability, I appreciate the -- the retail establishment to work with Representative Taborsak in order to make that work.

Thank you.

REP. RITTER: Thank you very much, Mr. Swenson.

Are there any comments or questions?

Representative Taborsak.

REP. TABORSAK: Thank you, Mr. Swenson, for taking the time out of your day to leave work and come up here and help us understand this important issue. Your testimony has been very helpful. So thank you.

REP. RITTER: Any other questions?

Thank you very much, Mr. Swenson.

PAUL SWENSON: Thank you.

REP. RITTER: We appreciate your story.

I'd next like to move to our first speaker on

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
HEALTH
PART 2
313 - 623**

2009



**Advocacy for Patients
with Chronic Illness, Inc.**

18 Timberline Drive
Farmington, CT 06032
(860) 674-1370 (phone)
(860) 674-1378 (fax)
(860) 305-9835 (cell)
www.advocacyforpatients.org
patient_advocate@sbcglobal.net

**Testimony of Jennifer C. Jaff, Esq.
On Raised House Bill 6328**

I wish to begin by thanking the Co-Chairs, Senator Harris and Representative Ritter, HB5621 as well as the members of the Committee, and particularly Representative Taborsak for his leadership on this legislation.

I am Executive Director of Advocacy for Patients with Chronic Illness, Inc., a Connecticut-based non-profit organization, in support of Raised House Bill No. 6328, the Connecticut Restroom Access Act. By providing customers with illnesses that result in urgent need for a restroom with access to restrooms in retail establishments, the Restroom Access Act will provide a much needed service to many residents of Connecticut.

Not only do I myself have Crohn's disease, but Advocacy for Patients represents thousands of patients with inflammatory bowel disease – Crohn's disease and ulcerative colitis – as well as surgically created ostomies and irritable bowel syndrome. These conditions often result in fecal incontinence, leading to both unsanitary conditions and embarrassment if a patient is left without immediate access to a bathroom. We hear countless stories of these incidents occurring in retail establishments, which is why we understand how critical it is for Connecticut to join the other states that have passed similar legislation -- Illinois, Tennessee, Minnesota, Texas, Colorado -- as well as state that are considering such legislation now.

Although we support this Act unequivocally, our experience with similar legislation elsewhere provides us with insight into how Connecticut's proposal can be improved upon.

First, the Act will only be as effective as it is enforceable. One problem that we have witnessed with the Illinois Restroom Access Act, the first of its kind to be passed in 2005, and nearly identical to the language proposed here in Connecticut, is its inability to be enforced. An Illinois woman with Crohn's disease, referred to us by the Crohn's and Colitis Foundation, was denied access to a bathroom in a retail establishment. Even though the Illinois statute provides for a fine of not more than \$100 per violation, this woman was unable to get any recourse. She went to both the police and the state Health Department, neither of which was aware of the Act, and neither of which took her concerns seriously. In fact, the police refused to hold the establishment accountable because she ultimately found another bathroom. Furthermore, the establishment claimed it did not even know about the law.

The proposed legislation here in Connecticut should build on the Illinois experience. The Act should require that notice be provided to both retailers and law enforcement to

ensure the Act's enforcement. One way to accomplish this would be to state with specificity who will enforce the Act, and provide notice to both the enforcing authority and retailers. The business community and law enforcement officials need to be knowledgeable of the law if it is to be meaningful.

Second, the utility of the Restroom Access Act should extend to places beyond retail establishments, as patients with inflammatory bowel diseases also encounter problems with access to bathrooms at work and school. We far too often hear stories of children who have accidents in school because teachers and school officials do not take their need for a bathroom seriously. Similar stories arise in the workplace. As a result, the Restroom Access Act should not only be applicable to retail establishments, but also to schools and workplaces.

We hope that you will support the Connecticut Restroom Access Act, Proposed Bill No. 5621, and consider our suggestions to ensure that the Act is enforceable and effective. Thank you.

Dear Respected Committee Members:

I am writing to you as a mother whose child has endured a major life change upon being diagnosed with the illness known as Crohn's disease. My daughter, Aimee, was diagnosed her first semester away at college. She was 2 1/2 hours away and there were many trips to meet her at the emergency room of the local hospital at all hours of the day and night. Not knowing what ailment she had until the diagnosis was a terrifying time in our lives.

Upon receiving the diagnosis came another struggle. How to cope with this illness while at school, away from home and without familiar medical attention.

Crohn's is a very cruel illness. It affects so many of all ages in so many different ways. There is not one certain rule that can be applied to this illness. What works for one or many may not work for many others. Each individual is affected in their own way.

There are a couple of very difficult areas to address with this illness. The first is food intake. As I mentioned above, each person is affected differently. What one can eat, others can not. My daughter is one of the less fortunate ones in that she is not able to eat any fruit or vegetables (very limited to 2 or 3 during a period of time), no fried foods or foods with certain spices. There are too many details involved in discussing the after effects of eating the wrong foods.

This is where this bill comes into effect. There is never a determined time when my daughter will have "an attack" and need a restroom. It does not pick a time or location, it can happen anytime, anywhere. There is always so much stress in planning to travel because of bathroom anxiety. Not knowing if when an attack occurs, whether or not you will be able to find a restroom that is available to you.

This bill will allow many individuals that suffer from Crohn's and other Inflammatory Bowel Diseases the ability to travel with much less stress and bathroom anxiety knowing that they will have a bathroom available to them if needed...anytime, anywhere.

Please, please consider passing this very important bill. It will save so many from embarrassing situations and allow them the freedom they deserve to be able to live their lives to the fullest.

Thank you in advance and may God Bless you and your families.

Mary Clavette
Sandy Hook, CT

Testimony on Behalf of *An Act Concerning Customer Access to Restrooms in Retail Establishments*
Raised Bill (No. 6328)

February 6, 2009

Senator Harris, Representative Ritter, Co-Chairs, Vice-Chairs, Ranking Members and Distinguished Members of the Connecticut Public Health Committee:

I greatly appreciate having the opportunity to give and submit testimony in support of the Public Health Committee's Raised Bill No. 6328, *An Act Concerning Customer Access to Restrooms in Retail Establishments* sponsored by Representatives Joseph Taborsak and Themis Klarides.

As President of the Central Connecticut Chapter of the Crohn's and Colitis Foundation of America (CCFA), I am speaking on behalf of members and friends of our organization. We strongly support this simple but important legislation. It would enable individuals, who have Crohn's disease, ulcerative colitis, irritable bowel syndrome or similar medical conditions, to access the toilet facilities of retail establishments that do not have public restrooms.

I cannot overemphasize how critically important this legislation is to the thousands of adults and children with Crohn's disease and ulcerative colitis in Connecticut who frequently suffer from sudden and extreme attacks of diarrhea. Crohn's disease and ulcerative colitis are both Inflammatory Bowel Diseases (IBD) marked by an abnormal response by the body's immune system. Over 1.4 million individuals have Crohn's disease or ulcerative colitis and approximately 16,000 of those are in Connecticut. Affected individuals may range in age from shortly after birth to the oldest ages but approximately 10 percent of those affected – or an estimated 100,000 nationally– are youngsters under the age of 18.

The symptoms of IBD are persistent diarrhea; "crampy", abdominal pain; fever; and, at times, rectal bleeding but they vary from person to person and may change over time. Loss of appetite, fatigue and subsequent weight loss also may occur and children may suffer delayed growth. Because IBD is an auto immune disorder, the diseases are not always limited to the GI tract; the joints, eyes, skin, and liver can also be affected.

Emotional stress can influence the course of Crohn's disease and ulcerative colitis but it does not cause the diseases. However, the emotional distress that individuals with IBD sometimes feel is a reaction to the symptoms of the disease itself. It is not surprising that some individuals find it difficult to cope with a chronic illness. Such illnesses seem to pose a threat to their entire quality of life – their physical and emotional well-being, social functioning, and sense of self-esteem. Coping techniques for dealing with IBD may take many forms. Attacks of diarrhea, pain, or gas may make people fearful of being in public places.

During my years as a Board Member and President of the Central Connecticut Chapter of the Crohn's and Colitis Foundation of America, I have become very aware of the health needs of individuals which make access to restrooms urgent – these are a few of their experiences:

- Parents talk about jogging around malls trying to get their young child to the bathroom before the onset of diarrhea,
- A 70 year old woman, ill with ulcerative colitis, embarrassed by her symptoms and depressed by her inability to engage in activities in the public domain, remains isolated at home,
- My son became severely ill with Crohn's disease at 16 and although his pain could be severe, it was the sudden attacks of intestinal urgency which greatly limited his ability to socialize in the wider community, and

- A 13 year old girl who became severely anxious and depressed after experiencing a fierce attack of diarrhea in public when she couldn't make it to a bathroom.

Obviously, this is not a subject easily discussed in public or in your committee. Imagine then, how difficult it is for an individual who needs rapid access to a bathroom to discuss his or her situation and plead for access while beset by urgency and cramping. A *Restroom Access Act* would have a very positive impact on the quality of life for many individuals with these serious, chronic illnesses but involve relatively minor costs and inconvenience for others.

The Connecticut Chapters of the Crohn's and Colitis Foundation of America sponsor inspirational and fund raising walks (Take Steps), offer Support Groups, distribute educational information and literature, work cooperatively with gastroenterologists, offer free educational programs and, in circumstances like this, advocate on behalf of our constituents. We believe that *An Act Concerning Customer Access to Restrooms In Retail Establishments* [#6324] would be greatly beneficial to individuals with Crohn's disease and ulcerative colitis.

On behalf of our CCFA Central Connecticut Chapter and the individuals we serve, we urge you to support Raised Bill No. 6328.

Thank you very much.

Respectfully Submitted,

Sally Connolly
249 Newton Rd
Woodbridge, CT 06525
203.393.1424
sallyconnolly@sbcglobal.net

President, Central Connecticut Chapter Crohn's and Colitis Foundation of America
PO Box 275
Branford, CT 06405
203.208.3130
www.ccfa.org