



**An Bille um Stádas Comhionann (Rochtain ar Shaoráidí
Leithris), 2026**

Equal Status (Access to Toilet Facilities) Bill 2026

Meabhrán Miniúcháin
Explanatory Memorandum



**AN BILLE UM STÁDAS COMHIONANN (ROCHTAIN AR
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EQUAL STATUS (ACCESS TO TOILET FACILITIES) BILL
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EXPLANATORY MEMORANDUM

Purpose of Bill

Organisations such as, for example, Crohn's & Colitis Ireland highlight on behalf of their members the need for businesses to support people living with irritable bowel syndrome and similar conditions by permitting access to their toilet facilities. Some bodies provide members with medical access cards or No Wait cards, as a means of requesting urgent access in a discreet way. However, these cards have no legal status and do not confer a legal entitlement. In contrast, more than a dozen US states, including California and Texas, have statutes that specifically address public access for individuals with eligible medical conditions, requiring businesses open to the public to allow such individuals to use employee facilities if public ones are not available. The purpose of this Bill is to legislate for such an entitlement along similar lines.

Provisions of Bill

Section 1 provides for the short title of the Bill when passed and for its collective citation with the Equal Status Acts 2000 to 2018. It also provides that the Bill will come into operation six months after its passing.

Section 2 is an interpretation provision and defines certain terms used in the Bill. "Relevant medical condition" is defined as meaning Crohn's disease, ulcerative colitis, any other inflammatory bowel disease, irritable bowel syndrome, or any other medical condition that may require immediate access to toilet facilities.

Section 3 provides that a retail establishment that does not normally make toilet facilities available to its customers, but which has such facilities available for use by its staff, must permit a customer to use those facilities during normal business hours if certain conditions are satisfied. The conditions are that—

- the customer has a "relevant medical condition" as defined, or uses an ostomy device,
- three or more members of the staff are working on the premises concerned at the time,

- the staff facilities are not in an area where providing access would create an obvious health or safety risk to the customer or an obvious security risk to the retailer, and
- no public facilities are immediately accessible to the customer.

The section provides that, when requesting access to the facilities, a customer must present proof of a medical condition in a form (which may include an electronic form such as a mobile phone app) approved by the Minister for Health and issued by a person or body approved by the Minister.

It is stated in the section that, in the case of a request for access to staff facilities, the duty which a retailer as occupier of the premises would normally owe under section 3 of the Occupiers' Liability Act 1995 is deemed to have been excluded under section 5 of that Act. It is also stated that the retailer is not required to make any adaptations or other changes to staff toilet facilities for the purposes of their use.

Section 4 provides that a contravention by a retailer of the foregoing provisions shall be deemed to be discrimination on the grounds of disability for the purposes of the Equal Status Act 2000 and that Part III of that Act, which makes provision for redress, shall apply accordingly.

Mark Wall, TD,
Eandair, 2026.

