

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 358

S.P. 165

In Senate, January 31, 2023

**An Act to Ensure That Restrooms Are Available for Use During
Business Hours at Certain Drive-through Restaurants**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LIBBY of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1685, sub-§2** is enacted to read:

3 **2. Drive-through restaurant.** "Drive-through restaurant" means a restaurant that has
4 facilities for customers to consume food inside the building where the food is prepared, but
5 that is open only for drive-through food service.

6 **Sec. 2. 22 MRSA §1686, first ¶**, as amended by PL 2013, c. 264, §2, is further
7 amended to read:

8 An eating establishment or drive-through restaurant must provide at least one toilet
9 facility for the use of its customers. Toilet facilities that require access through the food
10 preparation area or the use of which would in any way cause the establishment to be in
11 violation of any state law or rule may not be considered as fulfilling this requirement. The
12 location of the toilets must be clearly marked, and the toilets must be maintained in a
13 sanitary condition and in good repair and their location must be identifiable from the eating
14 area. There may not be a charge for their use. Lavatory facilities must be located within or
15 immediately adjacent to all toilet rooms or vestibules.

16 **Sec. 3. 22 MRSA §1688, 2nd ¶** is enacted to read:

17 When renewing a license pursuant to chapter 562, the department shall consider
18 whether a drive-through restaurant was in compliance with section 1686.

19 **SUMMARY**

20 This bill requires restaurants that have facilities for customers to consume food inside
21 the building where the food is prepared, but that are open only for drive-through food
22 service, to provide at least one toilet facility for the use of its customers.