

Section 1: SHORT TITLE

This bill shall be known as the “Lactation Bill of Rights”

Section 2: LEGISLATIVE FINDINGS

WHEREAS, the American Academy of Pediatrics recommends breastfeeding as the sole source of nutrition for babies for about 6 months,

WHEREAS, research has shown that breastfeeding reduces the risk of several chronic diseases, including type 2 diabetes, cardiovascular disease, and breast and ovarian cancers,

WHEREAS, systemic and environmental barriers contribute to racial disparities in how and which families can access lactation support,

Section 3: PUBLIC ACCOMMODATIONS

Except where expressly permitted by state or federal statute or a regulation promulgated thereunder, a person with control over a public accommodation or public service shall not do any of the following:

(a) Deny the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service to a person because they are breastfeeding.

(b) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign that indicates any of the following:

(i) That the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied a person because they are breastfeeding a child.

(ii) That a person's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because they are breastfeeding a child.

Section 4: LABOR PROTECTIONS

No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace.

- (a) An employer shall provide paid break time for thirty minutes, and permit an employee to use existing paid break time or meal time for time in excess of thirty minutes, to allow an employee to express milk each time such employee has reasonable need to express milk.
- (b) Upon request of an employee who chooses to express milk in the workplace, an employer shall designate a room or other location which shall be made available for use by such employee to express milk. Such room or other location shall be a place that is:
 - (i) in close proximity to the work area;
 - (ii) shielded from view; and free from intrusion from other persons in the workplace or the public;
 - (iii) contain a chair, a surface to place a breast pump and personal items, nearby access to clean running water and, if the workplace is supplied with electricity, an electrical outlet.
 - (iv) The room or location provided by the employer for this purpose shall not be a restroom or toilet stall.
- (c) Where a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over the other uses, but only for the time it is in use for lactation purposes. Employers shall provide notice to all employees as soon as practicable when such room or other location has been designated for use by employees to express milk.
- (d) Where compliance with the requirements of paragraphs (a) or (b) or (c) of this subdivision is impracticable because it would impose an undue hardship on the employer by causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business, such employer shall make reasonable efforts to provide a room or other location, other than a restroom or toilet stall, that is in close proximity to the work area where an employee can express milk in privacy. Provided, however, nothing in this subdivision shall otherwise exempt an employer from the requirements of Section 4.
- (e) If the workplace has access to refrigeration, the employer shall extend such access to refrigeration for the purposes of storing expressed milk.
- (f) No employer or their agent, or the officer or agent of any corporation, partnership, or limited liability company, or any other person, shall discharge, threaten, penalize, or in any other manner discriminate or retaliate against any employee because such employee has exercised their rights afforded under this section.

Section 4. ENFORCEMENT

A person alleging a violation of this act may file a complaint with the [RELEVANT STATE AGENCY]

Section 5: EFFECTIVE DATE

This act is ordered to take effect on [MONTH DATE YEAR].