

1st Sub. H.B. 252

WORKPLACE ACCOMMODATION OF BREAST FEEDING

Representative **Christine A. Johnson** proposes the following amendments:

1. Page 1, Lines 1 through 2:

1 WORKPLACE ACCOMMODATION OF {~~BREAST~~
2 ~~FEEDING~~} BREASTFEEDING

2. Page 1, Line 11:

11 related to an employer accommodating an employee who chooses to {~~breast feed~~} breastfeed .

3. Page 2, Lines 32 through 35:

32 CHAPTER 47. WORKPLACE ACCOMMODATIONS FOR {~~BREAST FEEDING~~} A
BREASTFEEDING ACT
33 Part 1. General Provisions
34 34-47-101. Title.
35 This chapter is known as the "Workplace Accommodations for {~~Breast Feeding~~} a
Breastfeeding Parent Act."

4. Page 2, Lines 42 through 44:

42 (2) "Employer" means a person employing {~~15~~} 50 or more employees within the state for
43 each working day in each of 20 calendar weeks or more in the current or preceding calendar
44 year.

5. Page 2, Lines 49 through 54:

49 (5) "Undue hardship" means an accommodation that :
(a) has a significant detrimental impact on the ability of another employee to perform that employee's
work duties; or
(b) requires significant difficulty or
50 expense when considered in relation to factors such as:
51 {(a)} (i) size of the employer;
52 {(b)} (ii) the financial resources of the employer;
53 {(c)} (iii) the nature and structure of the employer's operations; and
54 {(d)} (iv) special circumstances of public safety.

6. Page 3, Lines 58 through 59:

58 (1) Subject to the other requirements of this chapter, if an employee is ~~{breast~~
59 ~~feeding}~~ breastfeeding
the employee's child, an employer shall:

7. Page 3, Lines 62 through 67:

62 (b) make reasonable efforts to provide a location in close proximity to the employee's
63 work area ~~{, other than a toilet stall,}~~ where the employee can express breast milk in privacy for
64 benefit of the employee's child.

65 (2) (a) An employer may comply with Subsection (1)(a) by:

66 ~~{(a)}~~ (i) providing an employee reasonable unpaid break time; or

67 ~~{(b)}~~ (ii) permitting an employee to use paid break time, meal time, or both.

(b) An employer is considered to have made reasonable efforts for purposes of Subsection (1)(b):
(i) without providing a separate location from the employee's normal work area, if the employee's
normal work area provides sufficient privacy so that the employee may express breast milk without
being observed while expressing breast milk; or
(ii) by providing a separate location from the employee's normal work area, if the separate location:
(A) is within:
(I) the same physical structure as is located the employee's normal work area; or
(II) a physical structure in which the employer conducts business that is adjacent to where the
employee's normal work area is located;
(B) is in sufficient proximity to the employee's normal work area so that the employee can directly leave
the employee's normal work area, express breast milk, and directly return to the employee's normal
work area during the period of time described in Subsection (1)(a);
(C) is sanitary, and not a toilet stall; and
(D) provides sufficient privacy so that the employee can express breast milk without being observed
while expressing breast milk.

8. Page 3, Lines 72 through 74:

72 (1) An employer shall post a notice that the employer is required to accommodate in
73 accordance with this chapter an employee who chooses to ~~{breast feed}~~ breastfeed the employee's
child.

74 (2) An employer shall post the notice required under this section conspicuously at or