

59 **34-49-202. Reasonable breaks and private room required.**

60 (1) (a) A public employer shall:

61 (i) provide for at least one year after the birth of a public employee's child reasonable
62 breaks for each time the public employee needs to breast feed or express milk; and

63 (ii) consult with the public employee to determine the frequency and duration of the
64 breaks.

65 (b) A break required under Subsection (1)(a) shall, to the extent possible, run
66 concurrent with any other break period otherwise provided to the public employee.

67 (2) (a) A public employer shall provide for a public employee a room or other location
68 in close proximity to the public employee's work area.

69 (b) The room described in Subsection (2)(a):

70 (i) may not be a bathroom or toilet stall; and

71 (ii) shall:

72 (A) be maintained in a clean and sanitary condition;

73 (B) provide privacy shielded from the view of and intrusion from coworkers or the
74 public;

75 (C) be available at the times and for a duration required by the public employee as
76 determined in consultation with the public employee under Subsection (1)(a)(ii); and

77 (D) have an electrical outlet.

77a **Ĥ→ (c) (i) Notwithstanding Subsection (2)(a), an employer is not required to comply with**
77b **the requirements of Subsections (2)(a) and (b) if compliance would create an undue hardship**
77c **on the operations of the employer.**

77d **(ii) For purposes of Subsection (2)(c)(i), an undue hardship is a requirement that would**
77e **cause the employer significant difficulty or expense when considered in relation to the size,**
77f **financial resources, nature, or structure of the employer's operations.** ←Ĥ

78 (3) A public employer shall provide access to a clean and well-maintained refrigerator
79 or freezer for the temporary storage of the public employee's breast milk.

80 Section 5. Section **34-49-203** is enacted to read:

81 **34-49-203. Policies.**

82 A public employer shall adopt written policies that:

83 (1) support breastfeeding; and

84 (2) identify the means by which the public employer will comply with Section
85 34-49-202.

86 Section 6. Section **34-49-204** is enacted to read:

87 **34-49-204. Discrimination prohibited.**

88 A public employer may not refuse to hire, promote, discharge, demote, or terminate a
89 person, or may not retaliate against, harass, or discriminate in matters of compensation or in