

1 **STATE AND LOCAL GOVERNMENT EMPLOYEE POLICIES**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Justin J. Miller**

5 Senate Sponsor: Jani Iwamoto

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts language related to the accommodation of public employees who are
10 breastfeeding.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ requires a public employer to:
 - 15 • provide reasonable breaks for a public employee who is breastfeeding;
 - 16 • provide a public employee access to a room with privacy and a refrigerator for
17 breastfeeding purposes; and
 - 18 • adopt policies to support breastfeeding; and
- 19 ▶ prohibits a public employer from discriminating against an employee who is
20 breastfeeding in the workplace.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 ENACTS:

27 **34-49-101**, Utah Code Annotated 1953

28 **34-49-102**, Utah Code Annotated 1953

29 **34-49-201**, Utah Code Annotated 1953

- 30 [34-49-202](#), Utah Code Annotated 1953
- 31 [34-49-203](#), Utah Code Annotated 1953
- 32 [34-49-204](#), Utah Code Annotated 1953

33

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **34-49-101** is enacted to read:

36 **CHAPTER 49. NURSING MOTHERS IN THE WORKPLACE**

37 **Part 1. General Provisions**

38 **34-49-101. Title.**

39 (1) This chapter is known as "Nursing Mothers in the Workplace."

40 (2) This part is known as "General Provisions."

41 Section 2. Section **34-49-102** is enacted to read:

42 **34-49-102. Definitions.**

43 As used in this chapter:

44 (1) "Public employee" means a person:

45 (a) employed by a public employer; and

46 (b) who is breastfeeding.

47 (2) "Public employer" means the following entities:

48 (a) a department, division, board, council, committee, institution, office, bureau, or

49 other similar administrative unit of the executive branch of state government;

50 (b) a municipality;

51 (c) a county;

52 (d) a school district; or

53 (e) an institution of higher education as described in Section [53B-2-101](#).

54 Section 3. Section **34-49-201** is enacted to read:

55 **Part 2. Breastfeeding in the Workplace**

56 **34-49-201. Title.**

57 This part is known as "Breastfeeding in the Workplace."

58 Section 4. Section **34-49-202** is enacted to read:

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.

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

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

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

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

87 **34-49-203. Policies.**

88 A public employer shall adopt written policies that:

89 (1) support breastfeeding; and

90 (2) identify the means by which the public employer will comply with Section

91 [34-49-202.](#)

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

93 **34-49-204. Discrimination prohibited.**

94 A public employer may not refuse to hire, promote, discharge, demote, or terminate a
95 person, or may not retaliate against, harass, or discriminate in matters of compensation or in
96 terms, privileges, and conditions of employment against a person otherwise qualified because
97 the person breastfeeds or expresses milk in the workplace.