

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 285

6 By: Dossett

7 COMMITTEE SUBSTITUTE

8 An Act relating to labor; amending 40 O.S. 2011,  
9 Section 435, which relates to break time and  
10 accommodations for expressing milk or breast-feeding;  
11 requiring appropriate authority of covered state  
12 building to provide certain break time; and providing  
13 an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 40 O.S. 2011, Section 435, is  
16 amended to read as follows:

17 Section 435. A. 1. An employer other than a state agency may  
18 provide reasonable unpaid break time each day to an employee who  
19 needs to breast-feed or express breast milk for her child to  
20 maintain milk supply and comfort. The break time, if possible,  
21 shall run concurrently with any break time, paid or unpaid, already  
22 provided to the employee. An employer is not required to provide  
23 break time under this section if to do so would create an undue  
24 hardship on the operations of the employer.

1        2. An employer that is a state agency shall provide reasonable  
2 paid break time each day to an employee who needs to breast-feed or  
3 express breast milk for her child to maintain milk supply and  
4 comfort.

5        B. An employer may make a reasonable effort to provide a  
6 private, secure, and sanitary room or other location in close  
7 proximity to the work area, other than a toilet stall, where an  
8 employee can express her milk or breast-feed her child.

9        C. The Department of Health shall issue periodic reports on  
10 breast-feeding rates, complaints received, and benefits reported by  
11 both working breast-feeding mothers and employers.

12        D. As used in this section:

13        1. "Employer" means a person engaged in business who has one or  
14 more employees, including the state and any political subdivision of  
15 the state;

16        2. "Employee" means any person engaged in service to an  
17 employer in the business of the employer;

18        3. "Reasonable efforts" means any effort that would not impose  
19 an undue hardship on the operation of the employer's business; and

20        4. "Undue hardship" means any action that requires significant  
21 difficulty or expense when considered in relation to factors such as  
22 the size of the business, its financial resources, and the nature  
23 and structure of its operation.

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SECTION 2. This act shall become effective November 1, 2020.

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