

1 ENGROSSED SENATE
2 BILL NO. 285

By: David of the Senate

3 and

4 Bush of the House

5
6 An Act relating to labor; amending 40 O.S. 2011,
7 Section 435, which relates to accommodation for
8 expressing milk and breast-feeding; requiring state
9 agency to allow paid break time for lactating
10 employee to use lactation room for certain purpose;
11 and providing an effective date.

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

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

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

23 2. Every state agency shall allow an employee who is lactating
24 reasonable paid break time each day to use the designated lactation
room for the purpose of maintaining milk supply and comfort.

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

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

8 D. As used in this section:

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

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

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

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

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

21
22
23
24

