

1 **SENATE FLOOR VERSION**

2 February 27, 2020

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 285

6 By: David

7 [labor - accommodations for expressing milk or
8 breast-feeding - effective date]
9

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

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

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

21 2. An employer that is a state agency shall provide reasonable
22 paid break time each day to an employee who needs to breast-feed or
23 express breast milk for her child to maintain milk supply and
24 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 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
22 February 27, 2020 - DO PASS AS AMENDED

23

24

25