



House of Representatives

General Assembly

File No. 17

January Session, 2021

House Bill No. 5158

House of Representatives, March 9, 2021

The Committee on Labor and Public Employees reported through REP. PORTER of the 94th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING BREASTFEEDING IN THE WORKPLACE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-40w of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) Any employee may, at her discretion, express breast milk or
4 breastfeed on site at her workplace during her meal or break period.

5 (b) An employer shall make reasonable efforts to provide a room or
6 other location, in close proximity to the work area, other than a toilet
7 stall, where the employee can express her milk in private, and provided
8 there is no undue hardship, such room or other location shall (1) be free
9 from intrusion and shielded from the public while such employee
10 expresses breast milk, (2) include or be situated near a refrigerator or
11 employee-provided portable cold storage device in which the employee
12 can store her breast milk, and (3) include access to an electrical outlet.

13 (c) An employer shall not discriminate against, discipline or take any

14 adverse employment action against any employee because such
15 employee has elected to exercise her rights under subsection (a) of this
16 section.

17 (d) As used in this section, "employer" means a person engaged in
18 business who has one or more employees, including the state and any
19 political subdivision of the state; "employee" means any person engaged
20 in service to an employer in the business of the employer; "reasonable
21 efforts" means any effort that would not impose an undue hardship on
22 the operation of the employer's business; and "undue hardship" means
23 any action that requires significant difficulty or expense when
24 considered in relation to factors such as the size of the business, its
25 financial resources and the nature and structure of its operation.

| | | |
|---|------------------------|--------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2021</i> | 31-40w |

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 22 \$ | FY 23 \$ |
|-----------------|-----------------------------|----------|----------|
| Labor Dept. | GF - Potential Revenue Gain | Minimal | Minimal |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which establishes certain criteria that employers must meet for employees expressing breast milk, results in a potential minimal General Fund revenue gain from civil penalties to the extent that complaints are made and subsequent violations are found.

It is anticipated that the Labor Department has sufficient staff and expertise to manage any complaints, which are expected to be few in number.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to fluctuation in the number of violations found.

OLR Bill Analysis

HB 5158

AN ACT CONCERNING BREASTFEEDING IN THE WORKPLACE.

SUMMARY

This bill establishes certain criteria for employer-provided areas used by employees to express breast milk.

Existing law requires employers to make reasonable efforts to provide a room or other location near the employee’s work area, other than a toilet stall, where an employee can express her milk in private during a meal or break period. The bill further requires that, as long as there is no undue hardship, this area must (1) be free from intrusion and shielded from the public while the employee expresses milk; (2) include or be near a refrigerator or employee-provided portable cold storage device in which the employee can store her breast milk; and (3) have access to an electrical outlet.

By law, an employer’s “reasonable efforts” to provide such an area are those that would not impose an undue hardship on the employer’s business operation. An “undue hardship” is any action that requires significant difficulty or expense when considered in relation to factors such as the business’s size and financial resources and the nature and structure of its operation.

EFFECTIVE DATE: October 1, 2021

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 12 Nay 1 (02/18/2021)