

SENATE BILL NO. 89

INTRODUCED BY C. WILLIAMS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING BREAK TIME AND PRIVACY FOR NEEDS OF BREASTFEEDING MOTHERS IN STATE AND COUNTY GOVERNMENTS, MUNICIPALITIES, SCHOOL DISTRICTS, AND THE UNIVERSITY SYSTEM; AND PROVIDING THAT IT IS DISCRIMINATION TO REFUSE TO HIRE OR EMPLOY, BAR, OR DISCHARGE FROM EMPLOYMENT AN EMPLOYEE WHO EXPRESSES BREAST MILK OR TO DISCRIMINATE IN TERMS, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT."

~~WHEREAS, breastfeeding provides for babies the foundation for a lifetime of optimal health and development because human milk is the most easily digested food for a baby's immature digestive system, providing protection against serious illnesses, including allergies, obesity, lower rates of sudden infant death syndrome, meningitis, childhood leukemia, and other cancers, and reduced risk of Type I and Type II diabetes, respiratory illnesses, bacterial and viral infections, diarrhea diseases, and otitis media; and~~

~~WHEREAS, a number of studies also demonstrate significant health benefits for mothers who breastfeed, including decreased postpartum bleeding, quicker uterine involution, and decreased anemia, and research demonstrates that lactating women have an earlier return to prepregnancy weight, delayed resumption of ovulation with increased child spacing, improved bone mineralization postpartum with demonstrated reductions in postmenopausal hip fractures, and reduced risk of ovarian cancer and premenopausal breast cancer; and~~

~~WHEREAS, in addition to individual health benefits, breastfeeding provides significant social and economic benefits to the nation, including reduced health care costs and reduced employee absenteeism for care attributable to childhood illnesses; for private and public insurers, a minimum of \$3.6 billion is spent each year to treat diseases and conditions that are preventable by breastfeeding; for United States employers, formula feeding results in increased health claims, reduced productivity, and increased employee absenteeism to care for sick children; and a 1999 pediatric study calculated the cost of health care for three common illnesses for formula-fed infants as \$331 for each breast-fed infant compared to \$475 for each infant never breast-fed; and~~

~~WHEREAS, breastfeeding promotes decreased food and medical expenses, which has positive societal effects; and~~

~~WHEREAS, a mother has a responsibility both to her job and to her child when she returns to work; and~~

~~WHEREAS, a woman's choice to breastfeed benefits the family, the employer, and society.~~

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. ~~Employer~~ PUBLIC EMPLOYER policy on support of women and breastfeeding -- unlawful discrimination. (1) All state and county governments, municipalities, and school districts and the university system must have a written policy supporting women who want to continue breastfeeding after returning from maternity leave. The policy must state that employers shall support and encourage the practice of breastfeeding, accommodate the breastfeeding-related needs of employees, and ensure that employees are provided with adequate facilities for breastfeeding or the expression of milk for their children. AT A MINIMUM, THE POLICY MUST IDENTIFY THE MEANS BY WHICH AN EMPLOYER WILL MAKE AVAILABLE A SPACE SUITABLE FOR BREASTFEEDING AND BREAST PUMPING FOR A LACTATING EMPLOYEE, INCLUDING THE PROVISION OF BASIC NECESSITIES OF PRIVACY, LIGHTING, AND ELECTRICITY FOR THE PUMP APPARATUS. THE SPACE DOES NOT NEED TO BE FULLY ENCLOSED OR PERMANENT, BUT MUST BE READILY AVAILABLE DURING THE TERM THAT THE EMPLOYEE NEEDS THE SPACE.

(2) It is an unlawful discriminatory practice for any PUBLIC employer ~~or labor organization~~:

(a) to refuse to hire or employ or to bar or to discharge from employment an employee who expresses milk in the workplace; or

(b) to discriminate against an employee who expresses milk in the workplace in compensation or in terms, conditions, or privileges of employment, unless based upon a bona fide occupational qualification.

~~—— (3) The commission for human rights shall compile, analyze, and publish data concerning incidences of discrimination involving breastfeeding or expressing breast milk in the workplace. The commission shall submit a written report on the findings to the legislature as provided in 5-11-210.~~

NEW SECTION. Section 2. Private place for nursing mothers. (1) All state and county governments, municipalities, and school districts and the university system shall make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where an employee can express the employee's breast milk as provided in [section 1].

(2) All PUBLIC employers are encouraged to establish policies to allow mothers who wish to continue to breastfeed after returning to work to have privacy in order to express milk and to provide facilities for milk storage. ~~Businesses that adopt policies are entitled to use the label "mother-friendly".~~

NEW SECTION. **Section 3. Break time for working mothers.** All state and county governments, municipalities, and school districts and the university system shall provide reasonable unpaid break time each day to an employee who needs to express breast milk for the employee's child, as provided in [sections 1 and 2], if breaks are currently allowed. If breaks are not currently allowed, the PUBLIC employer shall consider each case and make accommodations as possible. The break time must, if possible, run concurrently with any break time already provided to the employee. ~~An~~ A PUBLIC employer is not required to provide break time under this section if to do so would unduly disrupt the PUBLIC employer's operations.

NEW SECTION. Section 4. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 39, chapter 2, part 2, and the provisions of Title 39, chapter 2, part 2, apply to [sections 1 through 3].

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