

EHB 2358

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THE STATE SENATE
Wednesday, March 29, 2006

ENGROSSED

House Bill No. 2358

ENGROSSED HOUSE BILL NO. 2358 - By: DePUE, CAREY, COX, NATIONS and
TERRILL of the House and PADDACK of the Senate.

An Act relating to labor; providing guidelines for workplace
policies governing breast-feeding; requiring periodic
reports; defining terms; providing for codification; and
providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 435 of Title 40, unless there is
created a duplication in numbering, reads as follows:

A. An employer may provide reasonable unpaid break time each
day to an employee who needs to breast-feed or express breast milk
for her child to maintain milk supply and comfort. The break time,
if possible, shall run concurrently with any break time, paid or
unpaid, already provided to the employee. An employer is not
required to provide break time under this section if to do so would
create an undue hardship on the operations of the employer.

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

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

4 D. As used in this section:

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

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

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

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

16 SECTION 2. This act shall become effective November 1, 2006.

17 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND LABOR, dated 3-27-06
18 - DO PASS.