

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 125

By: Rice

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5
6 AS INTRODUCED

7 An Act relating to employer accommodations for
8 breastfeeding employees; amending Section 1, Chapter
9 435, O.S.L. 2006 (40 O.S. Supp. 2010, Section 435),
10 which relates to breastfeeding by employees;
11 requiring employers to make a reasonable effort to
12 provide certain room where an employee can express
13 milk or breastfeed; and providing an effective date.

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

15 SECTION 1. AMENDATORY Section 1, Chapter 435, O.S.L.
16 2006 (40 O.S. Supp. 2010, Section 435), is amended to read as
17 follows:

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

1 B. An employer ~~may~~ shall 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~~ breastfeed her child.

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

9 D. As used in this section:

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

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

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

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

21 SECTION 2. This act shall become effective November 1, 2011.

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