

ENROLLED 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.

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

D. As used in this section:

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

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

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

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

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

Passed the House of Representatives the 28th day of February, 2006.

Presiding Officer of the House of
Representatives

Passed the Senate the 18th day of April, 2006.

Presiding Officer of the Senate