

Senate Bill 327

By: Senators Karinshak of the 48th, Black of the 8th, James of the 35th, Tate of the 38th, Martin of the 9th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to  
2 general provisions regarding labor and industrial relations, so as to require employers to  
3 provide reasonable break time to an employee who needs to express breast milk for her  
4 nursing child; to revise and to provide for definitions; to provide for requirements; to provide  
5 for a cause of action against employers for violations; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general  
10 provisions regarding labor and industrial relations, is amended by revising Code Section  
11 34-1-6, relating to employer obligation to provide time for women to express breast milk for  
12 infant child, as follows:

13 "34-1-6.

14 (a) As used in this Code section, the term:

15 (1) 'Employee' means any individual who works or performs services for salary, wages,  
16 a fee, or other remuneration for an employer.

17 (2) 'Employer' 'employer' means any person or entity that employs one or more  
18 employees and shall include the state and its political subdivisions.

19 (3) 'Nursing child' means a child who is 24 months of age or younger.

20 (4) 'Restroom' means a public bathroom or lavatory.

21 (b) An employer ~~may~~ shall provide reasonable ~~unpaid~~ break time each day to an employee  
22 who needs to express breast milk for her ~~infant~~ nursing child. The employer ~~may make~~  
23 ~~reasonable efforts to~~ shall provide a room or other location (in close proximity to the  
24 employee's work area), other than a ~~toilet stall~~ within a restroom, where the employee can  
25 express her milk in privacy. Such reasonable break time to express breast milk may ~~The~~  
26 ~~break time shall, if possible,~~ run concurrently with any ~~break time~~ other time for a break

27 already provided to the employee; provided, however, that no employer shall deduct or  
28 reduce an employee's remuneration for breaks taken for the purpose of expressing breast  
29 milk. An employer is not required to provide break time under this Code section if to do  
30 so would unduly disrupt the operations of the employer.

31 (c) No employer shall discriminate or retaliate against an employee, including, but not  
32 limited to, in terms and conditions of employment, due to such employee's use of or request  
33 for breast milk expression breaks as provided for under this Code section or due to an  
34 employee's report of, or opposition to, an employer's violation of this Code section.

35 (d)(1) An employee shall have a cause of action against an employer for an employer's  
36 violation of this Code section. An employee may pursue all damages and relief available  
37 at law in pursuing a cause of action under this Code section.

38 (2) Any measure of damages awarded to an individual bringing a claim under this Code  
39 section shall include reasonable attorneys' fees, filing fees, and reasonable costs of the  
40 action, including, but not limited to, the expenses of discovery and document  
41 reproduction."

42 **SECTION 2.**

43 All laws and parts of laws in conflict with this Act are repealed.