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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

"34-1-6. (a) As used in this Code section, the term:
(1) 'Employee' means any individual who works or performs services for salary, wages, a fee, or other remuneration for an employer.
(2) 'Employer' means any person or entity that employs one or more employees and shall include the state and its political subdivisions.
(3) 'Nursing child' means a child who is 24 months of age or younger.
(4) 'Restroom' means a public bathroom or lavatory.
(b) An employer may provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant nursing child. The employer shall provide a room or other location (in close proximity to the employee's work area), other than a toilet stall within a restroom, where the employee can express her milk in privacy. Such reasonable break time to express breast milk may be provided concurrently with any other time for a break
already provided to the employee; provided, however, that no employer shall deduct or
reduce an employee's remuneration for breaks taken for the purpose of expressing breast
milk. An employer is not required to provide break time under this Code section if to do
so would unduly disrupt the operations of the employer.

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

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

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

SECTION 2.

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