

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

AS PASSED SENATE

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 the
3 extent reasonably possible to provide reasonable break time to an employee who needs to
4 express breast milk for her nursing child; to revise and to provide for definitions; to provide
5 for requirements; to provide for exceptions; to provide for a cause of action against
6 employers for violations; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

14 "34-1-6.

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

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

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

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

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

22 (b)(1) To the extent reasonably possible, an An employer may shall provide reasonable
23 unpaid break time each day to an employee who needs to express breast milk for her
24 infant nursing child. Subject to subsections (c) through (f) of this Code section and to the
25 extent reasonably possible, the employer shall ~~The employer may make reasonable efforts~~
26 to provide a room or other location within the building or worksite where such employer

27 is located and (in close proximity to the employee's work area), other than a toilet stall
28 within a restroom, where the employee can express her breast milk in privacy. Such
29 reasonable break time to express breast milk may ~~The break time shall, if possible, run~~
30 concurrently with any break time other time for a break already provided to the
31 employee; provided, however, that no employer shall deduct or reduce an employee's
32 remuneration for breaks taken for the purpose of expressing breast milk. An employer
33 ~~is not required to provide break time under this Code section if to do so would unduly~~
34 ~~disrupt the operations of the employer.~~

35 (2) An individual who works or performs services for salary, wages, a fee, or other
36 remuneration for a contractor of an employer shall provide written notice to the employer
37 of the need for a room or other location pursuant to this Code section at least two
38 business days prior to such need.

39 (c) An employer in a multitenant building or multiemployer worksite may comply with
40 this Code section by providing a space shared among multiple employers within the
41 building or worksite if the employer cannot provide a lactation location within the
42 employer's own workspace.

43 (d) An employer that maintains its worksite in an agricultural setting shall be deemed to
44 be in compliance with this Code section if such employer provides an employee needing
45 to express breast milk with a private, enclosed, and shaded space, including, but not limited
46 to, an air-conditioned cab of a truck or tractor.

47 (e) An employer may comply with this Code section by designating a lactation location
48 that is temporary, due to operational, financial, or space limitations. Such temporary
49 location shall not be a restroom and shall be shielded from view and free from intrusion
50 while the employee is expressing breast milk.

51 (f) An employer that employs fewer than 50 employees may be exempt from any
52 requirement of this Code section if it can demonstrate that such requirement would impose
53 an undue hardship by causing the employer significant difficulty or expense when
54 considered in relation to the size, financial resources, nature, or structure of the employer's
55 business. If such employer can demonstrate that the requirement to provide an employee
56 with the use of a room or other location, other than a restroom, would impose such undue
57 hardship, the employer shall make reasonable efforts to provide the employee with the use
58 of a room or other location, other than a toilet stall, for the employee to express breast milk
59 in private.

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

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

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

71 **SECTION 2.**

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