

HOUSE BILL 1293

K3, P4, J1

6lr0681

By: **Delegates Miele, Pena–Melnyk, Kipke, McMillan, and West**

Introduced and read first time: February 12, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Break Time for Expression of Breast Milk by**
3 **Employees – Requirement**

4 FOR the purpose of requiring an employer to provide to an employee certain break time for
5 the employee to express breast milk for a nursing child and, except under certain
6 circumstances, a certain place that the employee can use while expressing breast
7 milk; requiring an employer to provide the break time and place for a certain period
8 of time after the child's birth; authorizing, under certain circumstances, an employer
9 to require an employee to use certain nonworking shift breaks to express breast milk;
10 providing that an employer is required to compensate an employee for a break taken
11 for the purpose of expressing breast milk only under certain circumstances; defining
12 a certain term; providing for the application of this Act; and generally relating to
13 break time for the expression of breast milk by employees.

14 BY adding to
15 Article – Labor and Employment
16 Section 3–714
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2015 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Labor and Employment**

22 **3–714.**

23 **(A) IN THIS SECTION, “EMPLOYER” MEANS:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) A PERSON ENGAGED IN A BUSINESS, AN INDUSTRY, A PROFESSION,**
2 **A TRADE, OR ANY OTHER ENTERPRISE IN THE STATE; OR**

3 **(2) A UNIT OF STATE OR LOCAL GOVERNMENT.**

4 **(B) THIS SECTION DOES NOT APPLY TO AN EMPLOYER THAT EMPLOYS**
5 **FEWER THAN 50 EMPLOYEES IF COMPLIANCE WOULD IMPOSE AN UNDUE HARDSHIP**
6 **BY CAUSING THE EMPLOYER SIGNIFICANT DIFFICULTY OR EXPENSE WHEN**
7 **CONSIDERED IN RELATION TO THE SIZE, FINANCIAL RESOURCES, NATURE, OR**
8 **STRUCTURE OF THE EMPLOYER'S BUSINESS.**

9 **(C) AN EMPLOYER SHALL PROVIDE TO AN EMPLOYEE:**

10 **(1) REASONABLE BREAK TIME FOR THE EMPLOYEE TO EXPRESS**
11 **BREAST MILK FOR A NURSING CHILD EACH TIME THE EMPLOYEE NEEDS TO EXPRESS**
12 **THE BREAST MILK; AND**

13 **(2) A PLACE, OTHER THAN A BATHROOM, SHIELDED FROM VIEW AND**
14 **FREE FROM INTRUSION FROM OTHER EMPLOYEES AND THE PUBLIC THAT THE**
15 **EMPLOYEE MAY USE WHILE EXPRESSING BREAST MILK, UNLESS THE PROVISION**
16 **WILL CAUSE UNDUE HARDSHIP TO THE EMPLOYER.**

17 **(D) AN EMPLOYER SHALL PROVIDE THE REASONABLE BREAK TIME AND**
18 **PLACE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION FOR 1 YEAR AFTER THE**
19 **CHILD'S BIRTH.**

20 **(E) IF AN EMPLOYER IS REQUIRED TO PROVIDE NONWORKING SHIFT**
21 **BREAKS UNDER § 3-710 OF THIS SUBTITLE, THE EMPLOYER MAY REQUIRE AN**
22 **EMPLOYEE TO USE THE NONWORKING SHIFT BREAKS, TO THE EXTENT**
23 **PRACTICABLE, TO EXPRESS BREAST MILK.**

24 **(F) AN EMPLOYER IS REQUIRED TO COMPENSATE AN EMPLOYEE FOR A**
25 **BREAK TAKEN FOR THE PURPOSE OF EXPRESSING BREAST MILK ONLY IF:**

26 **(1) (I) THE EMPLOYER PROVIDED COMPENSATED BREAK TIME TO**
27 **THE EMPLOYEE BEFORE THE BIRTH OF THE CHILD; AND**

28 **(II) THE EMPLOYEE USES THE COMPENSATED BREAK TIME TO**
29 **EXPRESS BREAST MILK; OR**

30 **(2) THE EMPLOYEE IS NOT COMPLETELY RELIEVED FROM THE**
31 **EMPLOYEE'S WORK DUTIES WHILE THE EMPLOYEE IS EXPRESSING BREAST MILK.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.