

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1440

Judiciary

(Delegate R. Lewis, *et al.*)

Judicial Proceedings

Courts - Parental Accommodations

This bill requires a circuit courthouse that is constructed or undergoes a major renovation project on or after October 1, 2025, to maintain on its premises a private lactation room that may be used by employees of the court and members of the public to nurse and express breast milk. The bill also authorizes a jury judge or jury commissioner to excuse from jury service an individual who is a breast-feeding mother or has legal custody of (and is personally responsible for) a child younger than age three requiring continuous care by the individual during normal court hours. By December 31, 2025, and annually thereafter, the Judiciary must collect and report specified information to the General Assembly regarding jury duty excusals.

Fiscal Summary

State Effect: General fund expenditures increase by \$44,800 in FY 2026 only for one-time costs incurred by the Judiciary, as discussed below. Revenues are not affected.

Local Effect: To the extent circuit courthouses undergo new construction or a major renovation project, local government expenditures may increase to provide a lactation room, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary: The lactation room must include (1) a chair with a table and electrical outlet nearby to accommodate placement of a breast pump device; (2) a door that may be locked from the inside; (3) a sink; and (4) a refrigerator.

The bill specifies that a jury judge or jury commissioner may, but is not required, to excuse an individual who is a breast-feeding mother, or an individual who has legal custody of (and is personally responsible for) a child younger than three requiring continuous care by the individual during normal court hours.

“Breast-feeding mother” means a mother who is feeding her child breast milk, either directly from her breast or by expressing and bottle-feeding the child.

By December 31, 2025, and annually thereafter, the Judiciary must collect and report to the General Assembly the following information for the preceding calendar year: (1) the number of individuals requesting to be excused for jury duty, based on the existing provision (referenced below) and those circumstances added by the bill; and (2) the number of individuals granted or denied an excusal. The information reported must be disaggregated by jurisdiction, the type of excusal requested, and whether the excusal request was granted or denied.

Current Law:

State Employees – Nursing Mothers

Pursuant to § 2-310 of the State Personnel and Pensions Article, the State, through its appropriate officers and employees, must provide (1) a reasonable break time for an employee to express breast milk for the nursing child after the child’s birth each time the employee needs to express the milk and (2) on notice, a place, other than a bathroom, that is shielded from view and free from coworkers and the public and that may be used by an employee to express breast milk. The State may not be required to compensate an employee receiving reasonable break time for any time spent expressing breast milk at work.

Jury Service – Excusal

Each adult citizen of the State has both the opportunity for jury service and, when summoned, the duty to serve. Subject to specified requirements, a jury judge or jury commissioner may disqualify, excuse, or exempt an individual who is summoned for jury service or reschedule jury service. To be excused, an individual must show, on a juror questionnaire, during an interview or by other competent evidence, that extreme inconvenience, public necessity, or undue hardship requires excusal. An individual may be excused (1) only for the period that the jury judge or jury commissioner considers necessary and (2) not more than twice unless the individual has shown an extraordinary circumstance that requires an additional excuse. Once the period of excusal has expired, a jury commissioner must again summon the individual for jury service.

State Expenditures: General fund expenditures for the Judiciary increase by \$44,844 in fiscal 2026 only for one-time costs to (1) update the online and printed versions of the juror qualification forms and (2) develop a report with specified information required by the bill.

Local Expenditures: The Judiciary advises that of the 24 circuit courthouses in the State, 7 have dedicated lactation or wellness rooms that meet the bill's requirements. An additional 12 locations have accommodations for lactation, such as private rooms or conference rooms; these areas vary in terms of the specific accommodations available (*e.g.*, refrigerator, sink, etc.). Five circuit courthouses have no specific designated lactation room; however, in regard to jury service, all circuit courts provide some form of accommodation to breast-feeding mothers, such as through rescheduling, excusal, or providing a private lactation space.

To the extent circuit courthouses undergo new construction or a major renovation project on or after October 1, 2025, local government expenditures may increase, potentially significantly, to provide a lactation room that complies with the bill's requirements. For example, St. Mary's County estimates that it can handle the bill's requirements at a cost of \$25,000. Conversely, Prince George's County estimates expenditures may be significantly more based on the potential need to upgrade existing plumbing infrastructure. The extent to which any expenditures are incurred depend on whether a county constructs or undertakes major renovation after the bill's effective date, as well as whether there are existing county requirements in regard to lactation rooms.

Provisions regarding jury service may have an operational impact on circuit courts but are not anticipated to have a material effect on local finances.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Anne Arundel, Montgomery, Prince George's, and St. Mary's counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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