

***Clerk's Note:** for consistent formatting, lines 28-31 and 33-36 (now 33-37) have been indented. Due to typographical errors, in line 80 (now line 81) "a lactation" has been inserted prior to "room"; lines 1 and 60 (now 61) has been updated from "Section 33-27" to "Section 33-29"; lines 1 and 77 (now 72) has been updated from "Section 33-28" to "Section 33-30". The first page of the Bill has also been updated from "by amending...Sections 33-27 and 33-28" to "by amending...Sections 33-29 and 33-30".*

Bill No. 11-22
Concerning: Buildings – Lactation Rooms
in County Buildings - Required
Revised: 7/15/2022 Draft No. 3
Introduced: June 14, 2022
Enacted: July 26, 2022
Executive: August 8, 2022
Effective: November 7, 2022;
subsection (b)(2) and (c) of Section 8-
14(C) added under Section 1 of this Act,
effective 8/7/23; subsection (b)(2) of
Section 8-14(C), added under Section 1
of this Act, effective 8/7/24.
Sunset Date: _____
Ch. 26, Laws of Mont. Co. 2022

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Friedson

Co-Sponsors: Councilmembers Hucker, Albornoz, Katz, Navarro, Glass, Riemer, Jawando, and
Rice

AN ACT to:

- (1) require County buildings to include a lactation room for County employees or provide alternative accommodations;
- (2) require employees to receive break time for lactation needs;
- (3) require the County Executive to establish personnel regulations for certain accommodations;
- (4) require certain educational materials posted on the County's website; and
- (5) generally amend the law regarding buildings and personnel regulations.

By amending

Montgomery County Code
Chapter 8, Buildings
Section 8-14C

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-29 and 33-30

| | |
|------------------------------|--|
| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing law by original bill.</i> |
| [Single boldface brackets] | <i>Deleted from existing law by original bill.</i> |
| <u>Double underlining</u> | <i>Added by amendment.</i> |
| [[Double boldface brackets]] | <i>Deleted from existing law or the bill by amendment.</i> |
| * * * | <i>Existing law unaffected by bill.</i> |

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec 1. Sections 8-14C, 33-29, and 33-30 are amended as follows:**

2 **8-14C. [Reserved] Lactation Rooms in County Buildings.**

3 (a) Definitions. In this Section, the following terms have the meanings

4 indicated.

5 County building means a building, whether existing or newly constructed,

6 that is owned or leased by the County where County employees work.

7 County employee has the meaning stated in Section 33-6.

8 Department means the Department of General Services.

9 Director means the Director of General Services or the Director's

10 designee.

11 Lactation room means a designated sanitary room, other than a bathroom,

12 made available for expressing breast milk, that:

13 (1) is shielded from view;

14 (2) is free from public or coworker intrusion;

15 (3) displays appropriate signage that indicates "lactation room" or

16 "nursing room;" and

17 (4) contains the following:

18 (A) a chair;

19 (B) a flat surface to place a breast pump;

20 (C) [[a sink with running water;]]

21 can be locked or secured from the inside;

22 (D) a small refrigerator;

23 (E) a microwave;

24 (F) at least one or more electrical outlets; and

25 (G) any other related supplies as provided in regulations.

26 (b) Lactation room – required.

(1) New Construction. ~~[[Except as provided in subsection (c) or (d),]]~~
~~[the] The Department must provide at least one lactation room that~~
~~includes a sink with running water in each newly constructed~~
~~County building that is available for use by any County employee~~
~~to express breast milk.~~

(2) Existing Buildings. ~~Except as provided in subsection (c) or (d), the~~
~~Department must provide at least one lactation room in an existing~~
~~County building that includes a sink with running water and~~
~~plumbing systems. If a sink with running water and plumbing~~
~~systems cannot be provided, the lactation room must have nearby~~
~~access to running water.~~

(c) Alternative Accommodation. ~~If the Director determines that a County~~
~~building does not have a room that could be repurposed as a lactation~~
~~room, at a reasonable cost, the Department must consider alternative~~
~~accommodations. Alternative accommodation includes installing or~~
~~creating a space for a portable lactation room or station.~~

(1) The Executive may enter into a memorandum of understanding
between the Department and an owner that offers, for sale or lease,
a portable lactation room or station to meet the requirement for
subsection (c).

(d) Exceptions. A County building may be excluded from the requirement
under subsection (b), if the building:

(1) is solely a warehouse;

(2) is primarily used for archives; or

(3) would require new construction to create a lactation room and the
cost of such construction is unfeasible.

(e) Regulations. The Director may promulgate Method (2) regulations to implement the requirements of this Section.

(f) Assessment. The Department must complete, or cause to be completed, an assessment and survey of all applicable County buildings for the inclusion of a lactation room.

(g) Reporting. The Department must report to the County Council any findings, outcomes, and progress of the assessment required under subsection (f).

33-29. [Reserved] Break Time for Lactation.

(a) An employee must be provided with reasonable break time during the workday to accommodate the need for lactation.

(b) [[The break time must run concurrently with any lunch or normal break already provided to the employee unless an alternative schedule has been approved by the employee's supervisor.]] Compensation. The County may not be required to compensate an employee receiving reasonable break time under subsection (a) for any time spent expressing breast milk at work.

(c) Regulations. The Director may promulgate Method (2) regulations to implement the requirements of this Section.

33-30. [Reserved] Lactation Accommodation Policy.

(a) Personnel regulations. The County Executive must adopt personnel regulations under Method (1) to establish a lactation accommodation policy. The policy, at a minimum, must contain guidelines regarding:

(1) the process to request the use of a lactation room, as provided under Section 8-14C(b);

(2) the process to request break time under Section 33-27;

(3) the availability of a lactation room as required under subsection (c); and

(4) best practices for maintenance of a lactation room, including recommended general cleaning of milk expression areas and storage of breast milk in the designated refrigerator.

(b) Outreach and Education. The Director of the Office of Human Resources must provide, or cause to be provided, on its website informational materials related to prenatal and postpartum breastfeeding for County employees.

(c) The Director of the Office of Human Resources, by use of existing or potential resources, must establish a method to communicate with County employees:

(1) the location of a lactation room in a County building; and

(2) the availability of that room for use.

Sec. 2. [[Implementation]] Effective Date. The County Executive must issue any policy and regulations required under this Act[, and make available the required lactation rooms,]] within 6 months after the effective date of this Act. Subsection (f) of Section 8-14(C), added under Section 1 of this Act, an assessment must take effect 3 months after the Act becomes law. Subsection (b)(2) and (c) of Section 8-14(C), added under Section 1 of this Act, requires complete planning, design, construction, or installation of lactation rooms in the highest occupancy buildings, as identified in the assessment report, this must take effect 9 months after the Act becomes law. Subsection (b)(2) of Section 8-14(C), added under Section 1 of this Act, requires all remaining existing buildings to include a lactation room, this must take effect 21 months after the Act becomes law. Subsection (g) of Section 8-14(C), added under

104 Section 1 of this Act, periodic reporting must occur at 3 months, 9 months, and 21
105 months after the Act becomes law.

Approved:

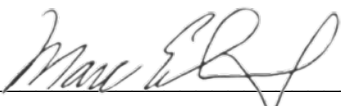


7/28/2022

Gabriel Albornoz, President, County Council

Date

Approved:

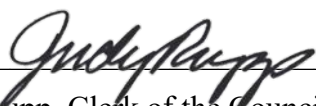


8/8/2022

Marc Elrich, County Executive

Date

This is a correct copy of Council action.



8/8/2022

Judy Rupp, Clerk of the Council

Date