

House Bill 1090

By: Representatives Silcox of the 52<sup>nd</sup>, Jones of the 47<sup>th</sup>, Cooper of the 43<sup>rd</sup>, Hatchett of the 150<sup>th</sup>, and Dempsey of the 13<sup>th</sup>

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 revise provisions  
3 regarding employer's obligation to provide break time for an employee to express breast  
4 milk; to revise a definition; to provide for requirements for such employers; to provide for  
5 exceptions; to amend Chapter 1 of Title 45 of the Official Code of Georgia Annotated,  
6 relating to general provisions regarding public officers and employees, so as to require state  
7 entities and local governments to provide reasonable break time to an employee who needs  
8 to express breast milk; to provide for a definition; to provide for requirements for such state  
9 entities and local governments; to provide for related matters; to repeal conflicting laws; and  
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general  
14 provisions regarding labor and industrial relations, is amended by revising Code Section  
15 34-1-6, relating to employer obligation to provide time for women to express breast milk for  
16 infant child, as follows:

17 "34-1-6.

18 (a) As used in this Code section, the term 'employer' means any person or entity that  
19 employs one or more employees ~~and shall include; provided, however, that such term shall~~  
20 not include the state and its political subdivisions.

21 (b)(1) ~~To the extent reasonably possible, an employer shall~~ An employer may provide  
22 reasonable ~~unpaid~~ break time each day to an employee who needs to express breast milk  
23 for her infant child. ~~The employer may make reasonable efforts to provide a room or~~  
24 ~~other location (in close proximity to the work area).~~

25 (2) To the extent reasonably possible, the employer shall provide a private location, other  
26 than a toilet stall, where the such employee can express ~~her~~ the employee's breast milk

27 in privacy during any period away from the employee's assigned duties. ~~The break time~~  
 28 ~~shall, if possible, run concurrently with any break time already provided to the employee.~~  
 29 ~~An employer is not required to provide break time under this Code section if to do so~~  
 30 ~~would unduly disrupt the operations of the employer.~~

31 (c) To the extent reasonably possible, an employer shall:

32 (1) Provide a refrigerator or other cold storage space for keeping breast milk that has  
 33 been expressed; or

34 (2) Allow the employee to provide such employee's own portable cold storage device for  
 35 keeping milk that has been expressed until the end of the employee's work day.

36 (d) An employer is not liable for any harm caused by or arising from the expressing of an  
 37 employee's breast milk or the storage of expressed breast milk."

### 38 SECTION 2.

39 Chapter 1 of Title 45 of the Official Code of Georgia Annotated, relating to general  
 40 provisions regarding public officers and employees, is amended by adding a new Code  
 41 section to read as follows:

42 "45-1-7.

43 (a) As used in this Code section, the term 'agency' means a state branch, department,  
 44 agency, board, bureau, office, commission, public corporation, or authority or a county,  
 45 municipal corporation, school district, or other political subdivision of this state.

46 (b) Each agency shall provide reasonable paid break time each day to an employee who  
 47 needs to express breast milk. Such break time shall, if possible, run concurrently with any  
 48 break time already provided to the employee. An agency shall not be required to provide  
 49 break time under this Code section if providing such break time would unduly disrupt the  
 50 operations of the agency.

51 (c) Each agency shall make reasonable efforts to provide a room or other location, other  
 52 than a toilet stall, in close proximity to the work area, where an employee described in  
 53 subsection (b) of this Code section can express such employee's breast milk in privacy.  
 54 The agency shall make reasonable efforts to provide a refrigerator or other cold storage  
 55 space for keeping breast milk that has been expressed. No agency shall have liability under  
 56 this Code section for making reasonable efforts to comply with this Code section."

### 57 SECTION 3.

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