

# An Act

ENROLLED SENATE  
BILL NO. 285

By: David and Kirt of the  
Senate

and

Bush and Roe of the House

An Act relating to labor; amending 40 O.S. 2011, Section 435, which relates to accommodation for expressing milk and breast-feeding; requiring state agency to allow paid break time for lactating employee to use lactation room for certain purpose; and providing an effective date.

SUBJECT: Employment accommodations

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 2011, Section 435, is amended to read as follows:

Section 435. A. 1. An employer other than a state agency may provide reasonable unpaid break time each day to an employee who needs to breast-feed or express breast milk for her child to maintain milk supply and comfort. The break time, if possible, shall run concurrently with any break time, paid or unpaid, already provided to the employee. An employer is not required to provide break time under this section if to do so would create an undue hardship on the operations of the employer.

2. Every state agency shall allow an employee who is lactating reasonable paid break time each day to use the designated lactation room for the purpose of maintaining milk supply and comfort.

B. An employer may make a reasonable effort to provide a private, secure, and sanitary room or other location in close proximity to the work area, other than a toilet stall, where an employee can express her milk or breast-feed her child.

C. The Department of Health shall issue periodic reports on breast-feeding rates, complaints received, and benefits reported by both working breast-feeding mothers and employers.

D. As used in this section:

1. "Employer" means a person engaged in business who has one or more employees, including the state and any political subdivision of the state;

2. "Employee" means any person engaged in service to an employer in the business of the employer;

3. "Reasonable ~~efforts~~" means any effort that would not impose an undue hardship on the operation of the employer's business; and

4. "Undue hardship" means any action that requires significant difficulty or expense when considered in relation to factors such as the size of the business, its financial resources, and the nature and structure of its operation.

SECTION 2. This act shall become effective November 1, 2020.

Passed the Senate the 10th day of March, 2020.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 12th day of May, 2020.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_