

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	7 - 0 - 0
Yeas:	Cowan, Gelser, Gilliam, Kotek, Maurer, Olson, Tomei
Nays:	0
Exc.:	0
Prepared By:	Andy Smith, Administrator
Meeting Dates:	2/7, 3/14, 3/16

WHAT THE MEASURE DOES: Requires employers of 25 or more employees to provide unpaid rest periods to employees to express milk if providing rest periods does not cause undue hardship on operation of employer's business. Requires employers to make *reasonable efforts* to provide private location where employees can express milk. Limits to mothers expressing milk for their own children. Allows employers to use single or multiple undue hardship factors to justify exemption from requirements of bill. Requires employees to give *reasonable notice* to employers of their intention to express milk in workplace. Excludes topic of breast expressing from collective bargaining for school districts. Provides civil penalty provision for intentional violations. Creates an advisory council to respond to a particular industry's request to address compliance difficulties.

ISSUES DISCUSSED:

- Number of employers offering unpaid leave since 2005 statutory changes
- Biological needs of babies
- Breastfeeding impacts on obesity for mother and child
- Breastfeeding impacts on IQ and immunology
- Length of time and intervals for expressing milk
- Potential impacts on small businesses
- Number of women returning to work after giving birth

EFFECT OF COMMITTEE AMENDMENT: Removes provision allowing employees expressing milk to use to sick, vacation and paid leave benefits. Limits to mothers expressing milk for their own children. Allows employers to use single or multiple undue hardship factors to justify exemption from requirements of bill. Requires employees to give *reasonable notice* to employers of their intention to express milk in workplace. Excludes topic of breast expressing from collective bargaining for school districts. Adds civil penalty provision for intentional violations. Creates an advisory council to respond to a particular industry's request to address compliance difficulties.

BACKGROUND: In 2005, the Legislative Assembly enacted SB 618 which gives employers the option of providing unpaid rest periods to employees to express milk. The Department of Human Services implemented a Breastfeeding Mother Friendly Employer Project to encourage employers to support nursing mothers when they return to work and provides employer support, free employer packets, and employer recognition. Proponents of the bill assert that these non-mandatory efforts have not substantially increased the number of mothers who are able to sustain breast feeding during the first 12 months of a child's life.

Express milking is pumping milk manually or electronically for later use. According to the American Academy of Pediatrics, breastfeeding or express milking keeps milk production stimulated. If milk is not emptied from the breasts regularly, the body will discontinue making milk. Eleven states have laws related to breastfeeding in the workplace (California, Connecticut, Georgia, Hawaii, Illinois, Minnesota, Oklahoma, Rhode Island, Tennessee, Texas, and Washington).

ORS 653.077 allows employers to offer unpaid rest periods for expressing milk; HB 2372 makes these rest periods mandatory.

3/26/2007 11:17:00 AM

This summary has not been adopted or officially endorsed by action of the committee.