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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO HEALTH AND SAFETY - BREAST-FEEDING

Introduced By: Representatives Ranglin-Vassell, Regunberg, Casimiro, Carson, and  
Fogarty

Date Introduced: March 01, 2017

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-13.2-1 of the General Laws in Chapter 23-13.2 entitled "Nursing  
2 Working Mothers" is hereby amended to read as follows:

3 **23-13.2-1. Workplace policies protecting a woman's choice to breastfeed.**

4 (a) An employer may provide reasonable unpaid break time each day to an employee who  
5 needs to breastfeed or express breast milk for her infant child to maintain milk supply and  
6 comfort. The break time must, if possible, run concurrently with any break time already provided  
7 to the employee. An employer is not required to provide break time under this section if to do so  
8 would create an undue hardship on the operations of the employer.

9 (b) An employer shall make a reasonable effort to provide a private, secure and sanitary  
10 room or other location in close proximity to the work area, other than a toilet stall, where an  
11 employee can express her milk or breastfeed her child.

12 (c) The department of health shall issue periodic reports on breastfeeding rates,  
13 complaints received and benefits reported by both working breastfeeding mothers and employers.

14 (d) As used in this section:

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

17 (2) "Employee" means any person engaged in service to an employer in the business of  
18 the employer;

19 (3) "Reasonable efforts" means any effort that would not impose an undue hardship on

1 the operation of the employer's business; and

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

5 (d) The department of health shall ensure compliance with and enforcement of this  
6 chapter.

7 (e) Any person or employer who violates the provisions of this chapter, shall be fined not  
8 more than one thousand dollars (\$1,000) per violation.

9 SECTION 2. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils" is  
10 hereby amended by adding thereto the following section:

11 **16-21-7.1. Breastfeeding in schools.**

12 (a) All private, public and charter schools shall provide reasonable accommodations to a  
13 lactating student in a school to express breast milk, breast-feed an infant child, or address other  
14 needs related to breast-feeding. Reasonable accommodations under this section include, but are  
15 not limited to, all of the following:

16 (1) Access to a private and secure room, other than a restroom, to express breast milk or  
17 breast-feed an infant child.

18 (2) Permission to bring into the school a breast pump and any other equipment used to  
19 express breast milk.

20 (3) Access to a power source for a breast pump or any other equipment used to express  
21 breast milk.

22 (4) Access to a place to store expressed breast milk safely.

23 (b) A lactating pupil in a school shall be provided a reasonable amount of time to  
24 accommodate her need to express breast milk or breast-feed an infant child.

25 (c) A school specified in subsection (a) of this section shall provide the reasonable  
26 accommodations specified in subsections (a) and (b) of this section only if there is at least one  
27 lactating pupil in the school.

28 (d) Denial of accommodations to a student who chooses to breast-feed or express breast  
29 milk while at school is sex discrimination pursuant to chapter 112 of title 42, and will enable the  
30 student to pursue the remedies available in §42-112-2.

31 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO HEALTH AND SAFETY - BREAST-FEEDING

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1           This act would create an enforcement process for the right to breast-feed at work. In  
2 addition, it would require all schools to provide reasonable accommodation to its lactating  
3 students.

4           This act would take effect upon passage.

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