

BILL ANALYSIS

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| Department, Board, Or Commission | Author | Bill Number |
| Franchise Tax Board | Pavley | SB 257 |

SUBJECT

State Agencies Notify Each Female Nearing Maternity Leave Of Provisions Relating To Lactation Accommodation

SUMMARY

This bill would require state agencies to provide information related to lactation accommodations to female employees nearing maternity leave.

The bill would also require the Department of Public Health to provide links to information on lactation accommodation on its Web site, which do not impact Franchise Tax Board (FTB) and are not addressed in this analysis.

PURPOSE OF BILL

According to the author's office, the purpose of this bill is to put specific information into the hands of women to assist them in making the decision to breast-feed their infant children.

EFFECTIVE/OPERATIVE DATE

This bill would be effective and operative on January 1, 2010.

ANALYSIS

FEDERAL/STATE LAW

Federal law provides that breast-feeding is allowed on any federal property that the individual has a right to access.

Under state law, every employer is required to provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. An employer is not required to provide break time if to do so would seriously disrupt the operations of the employer.

State employers are required to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private.

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| Brian Putler, FTB Contact Person (916) 845-6333 (Office) | Executive Officer Selvi Stanislaus | Date 8/24/09 |
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THIS BILL

This bill would require each state agency to provide to a female employee through its usual channels of communication, when notified by the employee that she is nearing maternity leave, with the following information in the most cost effective manner:

- The provisions of the Labor Code regarding Lactation Accommodations.
- Information regarding lactation accommodation on the Internet Web site of the State Department of Public Health.
- A listing of other comprehensive breast-feeding support organizations and Internet links to their informational materials.

This bill also contains Legislative findings regarding the importance of breast-feeding for infant and mother health and long term health benefits.

LEGISLATIVE HISTORY

SB 22 (Migden, Stats. 2008, Ch. 460) requires the State Department of Public Health (DPH) to begin expanding the breastfeeding peer counseling program at local agency Women, Infants, and Children (WIC) sites; provides that DPH is to recommend training to improve breastfeeding rates among mothers and infants for general acute care hospitals and special hospitals that provide maternity care.

AB 1025 (Frommer, Stats. 2001, Ch. 821) enacted provisions requiring employers to provide a reasonable amount of break time to employees desiring to express milk.

OTHER STATES' INFORMATION

Twenty-one states, the District of Columbia, and Puerto Rico have laws related to breastfeeding in the workplace. Those states include *California, Colorado, Connecticut, Georgia, Hawaii, Illinois, Indiana, Minnesota, Mississippi, Montana, New Mexico, New York, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Vermont, Virginia, Washington, and Wyoming.*

FISCAL IMPACT

Implementing this bill would not impact department costs.

ECONOMIC IMPACT

This bill would not impact state income tax revenues.

Appointments

None.

Support/Opposition

Support: According to the Senate Committee on Government Organization analysis of April 10, 2009, the following support is noted:

American Academy of Pediatrics
American College of Obstetricians and Gynecologists
American Federation of State, County, and Municipal Employees, AFL-CIO
American Red Cross WIC Program
Babies First Breastfeeding Task Force
Birth Education Services
Breastfeeding Task Force of Greater Los Angeles
Breastfeeding Task Force of Solano County
California Department of Transportation
California Food Policy Advocates
California Women, Infants & Children Association (sponsor)
Clinica Sierra Vista
Kings County Breastfeeding Coalition
Merced County Breastfeeding Coalition
Riverside County Loving Support
San Diego County Breastfeeding Coalition
San Francisco Breastfeeding Promotion Coalition
Santa Cruz County Breastfeeding Coalition
Scripps Hospital, Encinitas Lactation Staff
South Los Angeles Health Projects
Watts Healthcare, Women, Infant and Child Program
Numerous individuals

Opposition: According to the Senate Committee on Government Organization analysis of April 10, 2009 no opposition has been filed.

VOTES

Assembly Floor – Ayes: 55, Noes: 15

Senate Floor – Ayes: 22, Noes: 12

LEGISLATIVE STAFF CONTACT

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