

---

---

## A BILL FOR AN ACT

RELATING TO BREASTFEEDING IN THE WORKPLACE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that breastfeeding  
2 provides important health benefits to both mother and child.  
3 However, only one in five children in Hawaii receive the minimum  
4 six months of exclusive breastfeeding recommended by the  
5 American Academy of Pediatrics and the World Health Organization  
6 to reduce risk of obesity, diabetes, infectious disease, asthma,  
7 allergies, and certain childhood cancers. The legislature also  
8 finds that mother-child separation due to work presents a  
9 serious challenge to breastfeeding when workplaces do not  
10 accommodate the needs of breastfeeding employees. According to  
11 the Hawaii Pregnancy Risk Assessment Monitoring System, one in  
12 five women stop breastfeeding because they need to return to  
13 work or school. Without break time or a clean place to express  
14 milk, mothers may find their milk supply dwindling and give up  
15 breastfeeding.

16           The purpose of this Act is to require employers to provide  
17 a reasonable break time and a clean place for breastfeeding



1 employees to express milk in order to maintain milk supply and  
2 continue breastfeeding.

3 SECTION 2. Chapter 387, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§387- Accommodation to express milk. (a) An employer  
7 shall provide:

8 (1) Reasonable break time for an employee to express milk  
9 for a nursing child each time the employee has a need  
10 to express breast milk; and

11 (2) A location, other than the bathroom, that is sanitary,  
12 shielded from view, and free from intrusion from  
13 coworkers and the public, which may be used by any  
14 employee to express breast milk.

15 (b) Every employer covered by this section shall post  
16 notice, as shall be prescribed by the director, of the  
17 application of this section in a conspicuous place accessible to  
18 employees.

19 (c) An employer who violates this section shall be fined  
20 \$ for each violation. A civil fine that is ordered  
21 pursuant to this section shall be deposited with the director of  
22 finance to the credit of the state general fund.



1        (d) An employer that employs fewer than fifty employees  
 2        shall be exempt from the requirements of subsection (a) only if  
 3        such requirement would impose an undue hardship."

4        SECTION 3. Section 378-10, Hawaii Revised Statutes, is  
 5        repealed.

6        [~~"[§378-10] **Breastfeeding.** No employer shall prohibit an~~  
 7        ~~employee from expressing breastmilk during any meal period or~~  
 8        ~~other break period required by law to be provided by the~~  
 9        ~~employer or required by collective bargaining agreement."]~~

10       SECTION 4. Statutory material to be repealed is bracketed  
 11       and stricken. New statutory material is underscored.

12       SECTION 5. This Act shall take effect upon its approval.

13

INTRODUCED BY: Dele A. Beletti  
Cynthia Thicker  
DM  
Meli Canali  
GSE

JAN 18 2013



# H.B. NO. 409

**Report Title:**

Breastfeeding; Workplace Accommodation

**Description:**

Requires certain employers to provide reasonable time and a clean location for breastfeeding employees to express breast milk in privacy. Requires covered employers to post a notice. Establishes a civil fine.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

