
**Labor & Workplace Standards
Committee**

HB 2266

Brief Description: Concerning reasonable accommodation for the expression of breast milk without requiring written certification from a health care professional.

Sponsors: Representatives Doglio and Dolan.

Brief Summary of Bill

- Prohibits an employer from requiring written certification from the employee's health care provider regarding the need for a reasonable accommodation to express breast milk.

Hearing Date: 1/13/20

Staff: Trudes Tango (786-7384).

Background:

Under state law, employers with 15 or more employees must provide reasonable accommodations for an employee's pregnancy. Pregnancy is defined to include the need to express breast milk.

"Reasonable accommodations" include, among other things, providing flexible bathroom breaks, modifying a no food or drink policy, providing seating, providing for a temporary transfer to a less strenuous or hazardous position, providing assistance with manual labor, providing flexible scheduling for prenatal visits, and limiting heavy lifting.

Regarding the expression of breast milk, reasonable accommodation includes providing reasonable break time for an employee to express breast milk for two years after the child's birth. There is no "undue hardship" exemption for this accommodation, but if a business location or

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worksite does not have a suitable space, the employer must work with the employee to identify a convenient location and work schedule to accommodate their needs.

An employer may request that the employee provide written certification from her health care provider regarding the need for a reasonable accommodation. However, an employer may not request written certification for the following reasonable accommodations: (1) flexible bathroom breaks; (2) modifying no food or drink policy; and (3) providing seating.

Summary of Bill:

An employer may not require written certification from an employee's health care provider regarding the need for reasonable accommodations for the employee to express breast milk.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.