

# HOUSE BILL REPORT

## HB 2266

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### As Passed Legislature

**Title:** An act relating to reasonable accommodation for the expression of breast milk without requiring written certification from a health care professional.

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

**Sponsors:** Representatives Doglio, Dolan, Leavitt, Ryu, Tarleton, Appleton, Paul, Ormsby, Sells, Macri, Wylie, Senn, Cody, Kloba, Hudgins and Pollet.

### Brief History:

#### Committee Activity:

Labor & Workplace Standards: 1/13/20, 1/16/20 [DP].

#### Floor Activity:

Passed House: 2/12/20, 97-0.

Passed Senate: 3/3/20, 48-0.

Passed Legislature.

### 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.

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### HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

**Majority Report:** Do pass. Signed by 7 members: Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Gregerson, Hoff and Ormsby.

**Staff:** Trudes Tango (786-7384).

### Background:

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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 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 a 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.

**Staff Summary of Public Testimony:**

(In support) The bill from last session added expressing breast milk to the laws requiring employers to provide reasonable accommodation. This bill de-links the reasonable accommodation to express breast milk from the requirement to provide written certification from a health care provider.

(Opposed) None.

**Persons Testifying:** Representative Doglio, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.