

# SENATE BILL REPORT

## HB 2266

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As Passed Senate, March 3, 2020

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

**Committee Activity:** Labor & Commerce: 2/20/20, 2/24/20 [DP].

**Floor Activity:**

Passed Senate: 3/03/20, 48-0.

### Brief Summary of Bill

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

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## SENATE COMMITTEE ON LABOR & COMMERCE

**Majority Report:** Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun, Saldaña, Schoesler, Stanford, Walsh and Wellman.

**Staff:** Jarrett Sacks (786-7448)

**Background:** State law requires an employer with 15 or more employees to provide reasonable accommodation to an employee for pregnancy, unless doing so would impose undue hardship on the employer's business. The definition of pregnancy includes pregnancy-related health conditions and the need to express breast milk.

Reasonable accommodation may include:

- providing more frequent, longer, or more flexible restroom breaks;

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- modifying a no food or drink policy;
- job restructuring, a modified work schedule, or acquiring or modifying work equipment;
- providing seating or allowing an employee to sit more frequently;
- providing for a temporary transfer; or
- scheduling flexibility for prenatal visits.

Reasonable accommodation for the expression of breast milk includes break time for the expression of breast milk for two years after the child's birth. The employer must also provide a private location other than a bathroom, if such a location exists at the worksite, for the employee to express breast milk. If an employer does not have such a location, the employer must work with the employee to identify a convenient location and work schedule to accommodate their needs.

An employer may request the employee provide written certification from their healthcare provider regarding the need for a reasonable accommodation. An employer may not request written certification for the following reasonable accommodations:

- flexible bathroom breaks;
- modifying a no food or drink policy; and
- 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.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is a small change from the bill last year to fix an oversight that allows employers request written authorization to express breast milk. This has occurred and it has health ramifications for the individuals who have to wait to receive an authorization from a doctor. The bill will help parents and families on university campuses.

**Persons Testifying:** PRO: Representative Beth Doglio, Prime Sponsor; Matthew Sutherland, Vice-President of Legislative Affairs, Graduate and Professional Student Association of WSU.

**Persons Signed In To Testify But Not Testifying:** No one.