

BILL ANALYSIS

Senate Research Center
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H.B. 786
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not offer adequate legal protection to salaried employees who return to work after maternity leave and want to continue breastfeeding, even with the recent changes to the federal Fair Labor Standards Act (FLSA) relating to nursing mothers. FLSA guidelines offer legal protection only to hourly employees, and this bill seeks to extend those protections to salaried employees of public entities. Scientific studies have shown that breastfeeding provides many health benefits to babies and nursing mothers, and illustrate the importance of allowing nursing mothers to express breast milk at certain intervals during the workday to maintain the milk production. There also are related employer benefits to allowing this practice, including helping to prevent employee absenteeism due to sick children, improving workplace morale and productivity, and lowering health care costs for employers. H.B. 786 provides for the right of salaried public employees to express breast milk in the workplace.

H.B. 786 amends current law relating to the right of a public employee to express breast milk in the workplace.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle A, Title 6, Government Code, by adding Chapter 619, as follows:

CHAPTER 619. RIGHT TO EXPRESS BREAST MILK IN THE WORKPLACE

Sec. 619.001. DEFINITION. Defines "public employer."

Sec. 619.002. RIGHT TO EXPRESS BREAST MILK. Entitles an employee of a public employer to express breast milk at the employee's workplace.

Sec. 619.003. POLICY ON EXPRESSING BREAST MILK. (a) Requires a public employer to develop a written policy on the expression of breast milk by employees under this chapter.

(b) Requires that a policy developed under Subsection (a) state that the public employer shall support the practice of expressing breast milk and make reasonable accommodations for the needs of employees who express breast milk.

Sec. 619.004. PUBLIC EMPLOYER RESPONSIBILITIES. Requires a public employer to:

(1) provide a reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk; and

(2) provide a place, other than a bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

Sec. 619.005. **DISCRIMINATION PROHIBITED.** Prohibits a public employer from suspending or terminating the employment of, or otherwise discriminating against, an employee because the employee has asserted the employee's rights under this chapter.

SECTION 2. Effective date: September 1, 2015.