

**Enrolled**  
**Senate Bill 618**

Sponsored by COMMITTEE ON HEALTH POLICY (at the request of Nursing Mothers Counsel of Oregon)

CHAPTER .....

AN ACT

Relating to breast-feeding in workplace.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. The Legislative Assembly finds that:**

**(1) Women with infants and toddlers are the fastest growing sector of today’s labor force, with at least 50 percent of pregnant women who are employed returning to work by the time their children are three months old.**

**(2) The American Academy of Pediatrics recommends that every child be breast-fed for at least the first 12 months of life and urges that arrangements be made for expressing breast milk if the mother and child are separated.**

**(3) Women who wish to continue breast-feeding after returning to work have relatively simple needs. These needs include a clean, convenient, private location to express milk at the work site and adequate break time in which to do so.**

**SECTION 2. (1) An employer may provide reasonable unpaid rest periods to accommodate an employee who needs to express milk for her child. The employee shall notify the employer that the employee intends to express milk upon returning to work. The employee shall, if feasible, take the rest periods to express milk at the same time as rest periods that are otherwise provided to the employee. The employer may provide the employee up to 60 minutes in rest periods per eight-hour shift to express milk. If the employer is required by law or contract to provide the employee with paid rest periods, the employer shall treat the rest periods used by the employee for expressing milk as paid rest periods, up to the amount of time the employer is required to provide as paid rest periods. If an employee takes unpaid rest periods, the employer may allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. If the employee does not work to make up the amount of time used during the unpaid rest periods, the employer is not required to compensate the employee for that time.**

**(2)(a) An employer may provide a room or other location, other than a public restroom or toilet stall, in close proximity to the employee’s work area for the employee to express milk in private.**

**(b) The room or other location may include:**

**(A) The employee’s work area if the work area meets the requirements of paragraph (a) of this subsection; or**

**(B) A child care facility in close proximity to the employee’s work location where the employee can express milk in private.**

(3) An employer may allow an employee to temporarily change job duties if the employee's regular job duties do not allow her to express milk.

(4) This section applies only to an employer whose employee is expressing milk for a child 18 months of age or younger.

(5) This section applies only to employers who employ 25 or more employees in the State of Oregon for each working day during each of 20 or more calendar workweeks in the year in which the rest periods are to be taken or in the year immediately preceding the year in which the rest periods are to be taken.

**SECTION 3.** Section 2 of this 2005 Act applies only to conduct occurring on or after the effective date of this 2005 Act.

Passed by Senate April 20, 2005

Received by Governor:

Repassed by Senate June 21, 2005

.....M,....., 2005

Approved:

.....  
Secretary of Senate

.....M,....., 2005

.....  
President of Senate

.....  
Governor

Passed by House June 16, 2005

Filed in Office of Secretary of State:

.....  
Speaker of House

.....M,....., 2005

.....  
Secretary of State