
A BILL FOR AN ACT

RELATING TO BREASTFEEDING IN THE WORKPLACE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 387, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§387- Breastfeeding. (a) No employer, as defined in
5 section 378-1, shall prohibit an employee from expressing
6 breastmilk during any meal period or other break period required
7 by law to be provided by the employer or required by collective
8 bargaining agreement.

9 (b) Every employer with twenty or more employees shall
10 make reasonable efforts to provide a clean location, other than
11 a bathroom, where an employee may express breastmilk in privacy.
12 Every employer covered by this subsection shall post notice, as
13 shall be prescribed by the director, of the application of this
14 subsection in a conspicuous place accessible to employees. An
15 employer who violates this subsection shall be fined \$50 for
16 each violation. A civil fine that is ordered pursuant to this
17 subsection shall be deposited with the director of finance to
18 the credit of the general fund of the State.



1 (c) This section shall not apply to an employer covered
2 under subsection (b) who proves that compliance with this
3 section would impose an undue hardship for the employer.
4 Whether compliance would be an undue hardship for the covered
5 employer shall be determined by considering the difficulty or
6 expense of compliance for a specific employer in comparison to
7 the size, financial resources, nature, and structure of the
8 employer's business.

9 (d) For the purposes of this section, "employee" means an
10 individual employed by an employer as defined in section 378-1."

11 SECTION 2. Section 378-10, Hawaii Revised Statutes, is
12 repealed.

13 [~~"[§378-10] **Breastfeeding.** No employer shall prohibit an~~
14 ~~employee from expressing breastmilk during any meal period or~~
15 ~~other break period required by law to be provided by the~~
16 ~~employer or required by collective bargaining agreement."]~~

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on January 7, 2059.



Report Title:

Breastfeeding; Labor and Industrial Relations; Wage and Hour Law

Description:

Requires an employer with twenty or more employees to make reasonable efforts to provide a clean location for breastfeeding employees to express breast milk in privacy. Requires covered employers to post a notice pertaining to this provision in a conspicuous location. Establishes a civil fine of \$50 for the failure of an employer to provide a location or post a notice. Provides an exemption for covered employers if compliance imposes an undue hardship. Effective January 7, 2059. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

