

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2573
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2573 entitled:

"A BILL FOR AN ACT RELATING TO BREASTFEEDING IN THE
WORKPLACE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require an employer with twenty or more employees to make reasonable efforts to provide a clean location for breastfeeding employees to express breastmilk in privacy;
- (2) Require covered employers to post a notice in a conspicuous location; and
- (3) Establish a civil fine for failure to provide a clean location or post notice.

Your Committee received testimony in support of this measure from the Hawaii State Commission on the Status of Women; the Office of Hawaiian Affairs; the American Civil Liberties Union of Hawaii; Breastfeeding Hawaii; and the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Testimony in opposition to this measure was submitted by one private individual. The Hawaii Civil Rights Commission and the Chamber of Commerce of Hawaii submitted comments.



Your Committee finds that in Hawaii, over ninety percent of new mothers, which is much higher than the national average, intend to breastfeed their babies. The American Academy of Pediatrics and many other similar professional organizations recommend for infants within the first six months of life to only be given breastmilk for nourishment. Unfortunately, six months after birth, only about sixteen percent of infants are exclusively breastfed, little more than the thirteen percent national average. One year ago, the Surgeon General addressed this public health problem by issuing a call to action in support of breastfeeding that included hospitals and healthcare practices, family and societal attitudes, and support in the workplace. This measure enables the State to respond to this call to action by requiring an employer with twenty or more employees to make reasonable efforts to provide a clean location for breastfeeding employees to express breastmilk in privacy.

Your Committee notes the testimony submitted by the Hawaii Civil Rights Commission indicating that the language of this measure partially conforms to the provisions of the federal Fair Labor Standards Act, which is under the jurisdiction of the United States Department of Labor, not the Commission's federal counterpart, the United States Equal Opportunity Commission. As a result, the Commission suggests that this measure be placed under the jurisdiction of an agency with the expertise and facilities required to effectively enforce the provisions in this measure, such as the Department of Labor and Industrial Relations.

Your Committee has amended this measure by:

- (1) Adopting the suggestion made by the Hawaii Civil Rights Commission by establishing the requirements under this measure under a new section in the Hawaii Revised Statutes that fall under the purview of the Department of Labor and Industrial Relations;
- (2) Inserting an effective date of July 1, 2050, to ensure further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B.



No. 2573, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2573, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

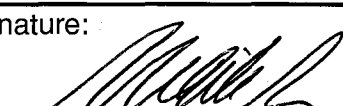


CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB2573	Committee Referral: JDL, WAM	Date: 2/9/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam			✓	
TOTAL	3	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes