

Honolulu, Hawaii

APR 26 2013

RE: S.B. No. 532
S.D. 1
H.D. 1
C.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 532, S.D. 1, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to require employers to provide a reasonable break time and location shielded from view and intrusion by coworkers and the public for breastfeeding employees to express milk in order to maintain milk supply and continue breastfeeding.

Your Committee on Conference 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 that infants within the first six months of life be given only breastmilk for nourishment. However, six months after birth,



only about sixteen percent of the infants in Hawaii are exclusively breastfed, which is a little more than the thirteen percent national average. 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 to make reasonable efforts to provide a clean location for breastfeeding employees to express breastmilk in privacy.

Your Committee on Conference has amended this measure by:

- (1) Adopting the suggestions made by Breastfeeding Hawaii and the Department of Labor and Industrial Relations, which:
 - (A) Delete the definition of "person";
 - (B) Make conforming amendments to replace the term "person" with the term "individual" or "employee";
 - (C) Specify that an employer with fewer than twenty employees is exempt from the requirement of making reasonable efforts to provide a clean location for breastfeeding employees to express breastmilk in privacy if the employer can show that the requirement would impose an undue hardship; and
 - (D) Specify that a defendant shall be fined \$500 for each violation of failing to provide a clean location for breastfeeding employees to express breastmilk in privacy; and
- (2) Changing the effective date from July 1, 2013, to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 532, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 532, S.D. 1, H.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



MARK M. NAKASHIMA, Co-Chair




CLAYTON HEE, Chair




KARL RHOADS, Co-Chair



MAILE S.L. SHIMABUKURO, Co-Chair



MARK J. HASHEM, Co-Chair



DAVID Y. IGE, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 532, SD 1, HD 1	Date/Time: <i>4/26/13, 10:42 AM</i>
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- The recommendation of the House and Senate managers is to pass with amendments (CD).
- The Committee is reconsidering its previous decision.
- | | |
|---|---|
| <input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure | <input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure. |
|---|---|

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	✓				NAKASHIMA, Mark M., Co-Chr.	✓			
SHIMABUKURO, Maile S.L., Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
IGE, David Y., Co-Chr.	✓				HASHEM, Mark J., Co-Chr.	✓			
GABBARD, Mike	✓				ICHIYAMA, Linda	✓			
					JOHANSON, Aaron Ling	✓			
TOTAL	<i>4</i>				TOTAL	<i>5</i>			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
Senate Lead Chair's or Designee's Signature: <i>Clayton Hee</i>	House Lead Chair's or Designee's Signature: <i>Mark Nakashima</i>

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