

STAND. COM. REP. NO.

1179

Honolulu, Hawaii

March 22, 2013

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

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 532, S.D. 1, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to promote the health of  
mothers and children by:

- (1) Requiring certain employers to provide a reasonable  
break time and an appropriate location for breastfeeding  
employees to express breast milk;
- (2) Requiring covered employers to post conspicuous notice  
of these requirements; and
- (3) Establishing civil penalties for a violation of this  
law.

The Department of Labor and Industrial Relations; Department  
of Health; Hawaii State Commission on the Status of Women; Office  
of Hawaiian Affairs; United Public Workers, AFSCME, Local 646,  
AFL-CIO; Breastfeeding Hawaii; Hawaii State Democratic Women's  
Caucus; Hawaii Women's Coalition; American Civil Liberties Union  
of Hawaii; League of Women Voters Hawaii; Planned Parenthood of  
Hawaii; and a concerned individual supported this measure. The

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Chamber of Commerce of Hawaii, Hawaii Civil Rights Commission, and Hawaii Transportation Association submitted comments.

Your Committee finds that employees who breastfeed need to be allowed break time and a private place to express milk at work. This measure will require certain employers with one or more employees to make such allowances. Accomplishing the measure's goals will encourage and support breastfeeding employees resulting in significant benefits to the child, the employee, and the employer.

Your Committee notes that the hardship exemption for smaller employers is not an automatic exemption. Rather, it can be validly claimed only where the employer can show that the measure's requirements would create an "undue hardship". Your Committee finds that a strong consideration should be given to amending the hardship exemption so that it applies solely to the requirement of providing a private space to the breastfeeding employee and not to the requirement of allowing reasonable break time. Additionally, current protections in section 378-10, Hawaii Revised Statutes, that prohibit employers from preventing employees from expressing breast milk during meal breaks or other required breaks should be maintained in order to avoid leaving employees who work for smaller employers that validly claim the exemption without some protection.

Finally, your Committee finds that consideration should be given to including a requirement that the Department of Labor and Industrial Relations enforce the required notice informing employees of their rights and protections under this measure.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 532, S.D. 1, H.D. 1, and recommends that it be referred to the Committee on Finance.

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



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KARL RHOADS, Chair



