

AMENDED IN ASSEMBLY MARCH 24, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2468

Introduced by Assembly Member De Leon
*(Coauthors: Assembly Members Brownley, Jones, Lieu, Monning,
Salas, and Saldana)*
(Coauthors: Senators DeSaulnier and Pavley)

February 19, 2010

An act to add Section 1034 to the Labor Code, relating to lactation accommodation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2468, as amended, De Leon. Lactation accommodation: workplace designation.

Existing law requires every employer to provide a reasonable amount of break time to accommodate an employee who desires to express breast milk for the employee's infant child. Existing law requires employers to make reasonable efforts to provide the employee with the use of a room, other than a toilet stall, for the employee to express breast milk, as specified.

This bill would authorize an employer to use the designation "~~Mother-Friendly—Worksite~~" "*Breast-Feeding Mother-Friendly Workplace*" in its promotional materials if the employer submits its workplace breast-feeding policy to the Labor Commissioner and the Labor Commissioner determines that the employer's policy provides for specified criteria.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1034 is added to the Labor Code, to read:
2 1034. (a) An employer may use the designation
3 ~~“Mother-Friendly Worksite”~~ *“Breast-Feeding Mother-Friendly*
4 *Workplace”* on its promotional materials if the employer submits
5 its workplace breast-feeding policy to the Labor Commissioner
6 and the Labor Commissioner determines that the policy provides
7 for all of the following:
8 (1) Flexible work scheduling, including scheduling breaks and
9 permitting work patterns that provide time for expression of breast
10 milk.
11 (2) A convenient, sanitary, safe, and private location, other than
12 a toilet stall, allowing privacy for breast-feeding or expressing
13 breast milk.
14 (3) A convenient, clean, and safe water source with facilities
15 for washing hands and rinsing breast-pumping equipment located
16 in or near the private location specified in paragraph (2).
17 (4) A convenient hygienic refrigerator in the workplace for the
18 temporary storage of breast milk.
19 (b) The Labor Commissioner shall maintain a list of employers
20 who are eligible to use the ~~“Mother-Friendly Worksite”~~
21 *“Breast-Feeding Mother-Friendly Workplace”* designation and
22 shall publish that list on ~~its~~ *the department’s* Internet Web site.
23 (c) The provisions of this section are not subject to Section
24 1033.

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