

BILL ANALYSIS

H.B. 786
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Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that current law does not offer adequate legal protection to salaried employees who return to work after maternity leave and want to continue breastfeeding, even with the recent changes to the federal Fair Labor Standards Act relating to nursing mothers. Scientific studies have shown that breastfeeding provides many health benefits to babies and nursing mothers, and the parties stress the importance of allowing nursing mothers to express breast milk at certain intervals during the workday to maintain the milk production. The parties further note the related employer benefits to allowing this practice, including helping to prevent employee absenteeism due to sick children, improving workplace morale and productivity, and lowering health care costs for employers. H.B. 786 seeks to provide for the right to express breast milk in the workplace.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 786 amends the Government Code to entitle an employee of a public employer to express breast milk at the employee's workplace. The bill requires a public employer to develop a written policy on the expression of breast milk by employees stating that the public employer must support the practice of expressing breast milk and make reasonable accommodations for the needs of employees who express breast milk. The bill requires a public employer to provide a reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk and provide a place, other than a bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk. The bill prohibits a public employer from suspending or terminating the employment of, or otherwise discriminating against, an employee because the employee has asserted the employee's right to express breast milk in the workplace.

EFFECTIVE DATE

September 1, 2015.