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HOUSE BILL NO. 2151

Offered January 14, 2015

Prefiled January 14, 2015

A *BILL to amend the Code of Virginia by adding a section numbered 40.1-28.6:1, relating to break time and location for employees to express breast milk; civil penalty.*

Patron—Yancey

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 40.1-28.6:1 as follows:****§ 40.1-28.6:1. Employers to allow breaks and location for expressing breast milk.**

A. As used in this section, notwithstanding the provisions of § 40.1-2.1, "employer" includes, in addition to those persons encompassed by the definition of "employer" in § 40.1-2, the Commonwealth, any of its agencies, institutions, or political subdivisions, and any public body.

B. An employer shall provide reasonable unpaid break time each day to an employee who needs to express breast milk for that employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. An employer shall not be required to provide break time under this subsection if to do so would unduly disrupt the operations of the employer.

C. An employer shall make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where an employee who needs to express breast milk for that employee's infant child can express breast milk in privacy. The employer shall not be held to have violated this subsection if the employer has made reasonable efforts to comply with the requirements of this subsection.

D. Any private employer that violates the provisions of this section shall be subject to a civil penalty not to exceed \$100 for each violation. A penalty determination by the Commissioner shall be final, unless within 15 days after receipt of such notice the person charged with the violation notifies the Commissioner by certified mail that he intends to contest the proposed penalty before the appropriate general district court. Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the Treasury of the Commonwealth. The Commissioner shall prescribe procedures for the payment of proposed penalties that are not contested by such private employers.

INTRODUCED

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