

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0296.01 Christy Chase

HOUSE BILL 08-1276

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HOUSE SPONSORSHIP

Kerr A.,

SENATE SPONSORSHIP

Gibbs,

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House Committees

Business Affairs and Labor

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING WORKPLACE ACCOMMODATIONS FOR NURSING  
102 MOTHERS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Establishes a standard for an employer to provide reasonable unpaid break time or allow an employee to use paid break or meal time to express breast milk for her nursing child for up to 2 years after the birth of the child and to make reasonable efforts to provide a nursing mother with a private location in which to express milk in the workplace. Specifies that an employer that makes reasonable efforts to accommodate an employee who chooses to express milk in the workplace shall be

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

deemed to be in compliance with the workplace accommodations standards.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Title 8, Colorado Revised Statutes, is amended BY  
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 13.5**

5 **Workplace Accommodations for Nursing Mothers**

6 **8-13.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY  
7 BE CITED AS THE "WORKPLACE ACCOMMODATIONS FOR NURSING  
8 MOTHERS ACT".

9 **8-13.5-102. Legislative declaration.** (1) THE GENERAL  
10 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

11 (a) THE AMERICAN ACADEMY OF PEDIATRICS RECOMMENDS  
12 BREASTFEEDING EXCLUSIVELY FOR THE FIRST SIX MONTHS OF AN INFANT'S  
13 LIFE AND HAS CONTINUOUSLY ENDORSED BREASTFEEDING FOR AT LEAST  
14 ONE YEAR OR LONGER AS THE OPTIMAL FORM OF NUTRITION FOR INFANTS  
15 AND AS A FOUNDATION FOR GOOD FEEDING PRACTICES;

16 (b) EXTENSIVE RESEARCH INDICATES THAT THERE ARE DIVERSE  
17 AND COMPELLING ADVANTAGES TO NURSING FOR INFANTS, MOTHERS,  
18 FAMILIES, BUSINESSES, AND SOCIETY, INCLUDING LESS ILLNESS AMONG  
19 CHILDREN WHO ARE NURSED AND LOWER HEALTH CARE COSTS;

20 (c) EPIDEMIOLOGIC RESEARCH SHOWS THAT BREASTFEEDING  
21 INFANTS PROVIDES BENEFITS TO THEIR GENERAL HEALTH, GROWTH, AND  
22 DEVELOPMENT AND RESULTS IN SIGNIFICANT DECREASES IN RISK FOR  
23 NUMEROUS ACUTE AND CHRONIC DISEASES;

24 (d) BREASTFEEDING HAS BEEN SHOWN TO HAVE NUMEROUS  
25 HEALTH BENEFITS FOR MOTHERS, INCLUDING AN EARLIER RETURN TO

1 PREPREGNANT WEIGHT, DELAYED RESUMPTION OF OVULATION WITH  
2 INCREASED CHILD SPACING, IMPROVED BONE REMINERALIZATION  
3 POSTPARTUM WITH REDUCTION IN HIP FRACTURES IN THE  
4 POSTMENOPAUSAL PERIOD, AND REDUCED RISK OF OVARIAN CANCER AND  
5 PREMENOPAUSAL BREAST CANCER;

6 (e) IN ADDITION TO INDIVIDUAL HEALTH BENEFITS, PROVIDING  
7 OPPORTUNITIES FOR BREASTFEEDING RESULTS IN SUBSTANTIAL BENEFITS  
8 TO EMPLOYERS, INCLUDING REDUCED HEALTH CARE COSTS, REDUCED  
9 EMPLOYEE ABSENTEEISM FOR CARE ATTRIBUTABLE TO INFANT ILLNESS,  
10 IMPROVED EMPLOYEE PRODUCTIVITY, HIGHER MORALE AND GREATER  
11 LOYALTY, IMPROVED ABILITY TO ATTRACT AND RETAIN VALUABLE  
12 EMPLOYEES, AND A FAMILY-FRIENDLY IMAGE IN THE COMMUNITY;

13 (f) NURSING IS A BASIC, NORMAL, AND IMPORTANT ACT OF  
14 NURTURING THAT SHOULD BE ENCOURAGED IN THE INTERESTS OF  
15 MATERNAL AND INFANT HEALTH.

16 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE  
17 PURPOSE OF THIS ARTICLE IS FOR THE STATE OF COLORADO TO BECOME  
18 INVOLVED IN THE NATIONAL MOVEMENT TO RECOGNIZE THE MEDICAL  
19 IMPORTANCE OF BREASTFEEDING, WITHIN THE SCOPE OF COMPLETE  
20 PEDIATRIC CARE, AND TO ENCOURAGE REMOVAL OF BOUNDARIES PLACED  
21 ON NURSING MOTHERS IN THE WORKPLACE.

22 **8-13.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "EMPLOYER" MEANS A PERSON ENGAGED IN BUSINESS WHO HAS  
25 ONE OR MORE EMPLOYEES. "EMPLOYER" INCLUDES THE STATE AND ANY  
26 POLITICAL SUBDIVISION OF THE STATE.

27 (2) "REASONABLE EFFORTS" MEANS ANY EFFORT THAT WOULD NOT

1 IMPOSE AN UNDUE HARDSHIP ON THE OPERATION OF THE EMPLOYER'S  
2 BUSINESS.

3 (3) "UNDUE HARDSHIP" MEANS ANY ACTION THAT REQUIRES  
4 SIGNIFICANT DIFFICULTY OR EXPENSE WHEN CONSIDERED IN RELATION TO  
5 FACTORS SUCH AS THE SIZE OF THE BUSINESS, THE FINANCIAL RESOURCES  
6 OF THE BUSINESS, AND THE NATURE AND STRUCTURE OF ITS OPERATION.

7 **8-13.5-104. Right of nursing mothers to express breast milk in**  
8 **workplace - private location - discrimination prohibited.** (1) AN  
9 EMPLOYER SHALL PROVIDE REASONABLE UNPAID BREAK TIME OR PERMIT  
10 AN EMPLOYEE TO USE PAID BREAK TIME, MEAL TIME, OR BOTH, EACH DAY  
11 TO ALLOW THE EMPLOYEE TO EXPRESS BREAST MILK FOR HER NURSING  
12 CHILD FOR UP TO TWO YEARS AFTER THE CHILD'S BIRTH.

13 (2) THE EMPLOYER SHALL MAKE REASONABLE EFFORTS TO  
14 PROVIDE A ROOM OR OTHER LOCATION IN CLOSE PROXIMITY TO THE WORK  
15 AREA, OTHER THAN A TOILET STALL, WHERE AN EMPLOYEE CAN EXPRESS  
16 BREAST MILK IN PRIVACY.

17 (3) AN EMPLOYER THAT MAKES REASONABLE EFFORTS TO  
18 ACCOMMODATE AN EMPLOYEE WHO CHOOSES TO EXPRESS BREAST MILK IN  
19 THE WORKPLACE SHALL BE DEEMED TO BE IN COMPLIANCE WITH THE  
20 REQUIREMENTS OF THIS SECTION.

21 **SECTION 2. Effective date.** This act shall take effect at 12:01  
22 a.m. on the day following the expiration of the ninety-day period after  
23 final adjournment of the general assembly that is allowed for submitting  
24 a referendum petition pursuant to article V, section 1 (3) of the state  
25 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);  
26 except that, if a referendum petition is filed against this act or an item,  
27 section, or part of this act within such period, then the act, item, section,

- 1 or part, if approved by the people, shall take effect on the date of the
- 2 official declaration of the vote thereon by proclamation of the governor.