

*Colorado Legislative Council Staff Fiscal Note*  
**NO FISCAL IMPACT**

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<b>Drafting Number:</b> LS 08-0296	<b>Date:</b> February 19, 2008
<b>Prime Sponsor(s):</b> Rep. Kerr A. Sen. Gibbs	<b>Bill Status:</b> House Business Affairs and Labor
	<b>Fiscal Analyst:</b> Clare Pramuk (303-866-2677)

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**TITLE:** CONCERNING WORKPLACE ACCOMMODATIONS FOR NURSING MOTHERS.

**Summary of Legislation**

This bill establishes the “Workplace Accommodations for Nursing Mothers Act”. It requires an employer to provide reasonable paid or unpaid break time for an employee who is a nursing mother to express milk for up to 2 years after the child’s birth. In addition, the employer is to make reasonable efforts to provide the nursing mother with a private location in which to express milk. The bill defines both reasonable efforts and undue hardship. The bill is effective 90 days following final adjournment of the General Assembly unless a referendum petition is filed (August 6, 2008, if final adjournment is May 7, 2008).

**Assessment**

This bill is assessed at no fiscal impact. Most of the departments surveyed already accommodate the needs of nursing mothers or stated that accommodations can be made within existing resources. It is expected that local governments are currently allowing breaks for nursing mothers. No state appropriations are required.

**Departmental Differences**

*Department of Corrections* — indicated concerns about its ability to meet the requirements of the bill due to staffing, safety, and physical plant limitations. The department stated it will incur additional expenses of \$808,856 General Fund and 18.8 FTE to comply with the bill. An estimated 150 nursing mothers are part of the department's current workforce. Housing and security staff are paid for 8.5 hour shifts, required to eat their meals at their posts, and are not given regular breaks other than 2.5 - 3 minute restroom breaks. The department also identified a cost of \$7,500 for refrigeration and an indeterminate amount of capital construction funds to adapt its facilities and locations to provide a designated lactation room.

The bill defines reasonable efforts as not imposing an undue hardship on the operation of the employer’s business. Thus, this analysis assumes that the department will make accommodations for nursing mothers only when to do so does not create an undue hardship on the operations of its correctional facilities. The bill's fiscal impact, as indicated by the department, represents an undue hardship and as such these expenditures are not included in the fiscal note.

**Departments Contacted**

All Departments