**South Carolina General Assembly**

123rd Session, 2019-2020

**A141, R146, H3200**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Henderson‑Myers, Allison, Bernstein, Govan, Ridgeway, Clyburn, Brawley, McDaniel, Cogswell, Caskey, Norrell and Weeks

Document Path: l:\council\bills\agm\19438wab19.docx

Companion/Similar bill(s): 406

Introduced in the House on January 8, 2019

Introduced in the Senate on March 7, 2019

Last Amended on March 12, 2020

Passed by the General Assembly on June 24, 2020

Governor's Action: June 25, 2020, Signed

Summary: SC Lactation Support

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/18/2018 House Prefiled

 12/18/2018 House Referred to Committee on **Labor, Commerce and Industry**

 1/8/2019 House Introduced and read first time ([House Journal‑page 125](file:///h%3A%5Chj%5C20190108.docx))

 1/8/2019 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 125](file:///h%3A%5Chj%5C20190108.docx))

 1/16/2019 House Member(s) request name added as sponsor: Brawley

 1/29/2019 House Member(s) request name added as sponsor: McDaniel

 2/28/2019 House Member(s) request name added as sponsor: Cogswell

 2/28/2019 House Committee report: Favorable with amendment **Labor, Commerce and Industry** ([House Journal‑page 53](file:///h%3A%5Chj%5C20190228.docx))

 3/5/2019 House Member(s) request name added as sponsor: Caskey, Norrell, Weeks

 3/6/2019 House Amended ([House Journal‑page 48](file:///h%3A%5Chj%5C20190306.docx))

 3/6/2019 House Read second time ([House Journal‑page 48](file:///h%3A%5Chj%5C20190306.docx))

 3/6/2019 House Roll call Yeas‑93 Nays‑0 ([House Journal‑page 50](file:///h%3A%5Chj%5C20190306.docx))

 3/7/2019 House Read third time and sent to Senate ([House Journal‑page 9](file:///h%3A%5Chj%5C20190307.docx))

 3/7/2019 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h%3A%5Csj%5C20190307.docx))

 3/7/2019 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 5](file:///h%3A%5Csj%5C20190307.docx))

 1/23/2020 Senate Committee report: Favorable **Labor, Commerce and Industry** ([Senate Journal‑page 15](file:///h%3A%5Csj%5C20200123.docx))

 3/12/2020 Senate Amended ([Senate Journal‑page 12](file:///h%3A%5Csj%5C20200312.docx))

 3/12/2020 Senate Read second time ([Senate Journal‑page 12](file:///h%3A%5Csj%5C20200312.docx))

 3/12/2020 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 12](file:///h%3A%5Csj%5C20200312.docx))

 5/12/2020 Senate Read third time and returned to House with amendments ([Senate Journal‑page 34](file:///h%3A%5Csj%5C20200512.docx))

 6/24/2020 House Concurred in Senate amendment and enrolled ([House Journal‑page 41](file:///h%3A%5Chj%5C20200624.docx))

 6/24/2020 House Roll call Yeas‑111 Nays‑0 ([House Journal‑page 41](file:///h%3A%5Chj%5C20200624.docx))

 6/25/2020 Ratified R 146

 6/25/2020 Signed By Governor

 6/26/2020 Effective date 07/25/20

 6/26/2020 Act No.  141

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**VERSIONS OF THIS BILL**

[12/18/2018](file:///p%3A%5Cpprever%5C2019-20%5C3200_20181218.docx)

[2/28/2019](file:///p%3A%5Cpprever%5C2019-20%5C3200_20190228.docx)

[3/6/2019](file:///p%3A%5Cpprever%5C2019-20%5C3200_20190306.docx)

[1/23/2020](file:///p%3A%5Cpprever%5C2019-20%5C3200_20200123.docx)

[3/12/2020](file:///p%3A%5Cpprever%5C2019-20%5C3200_20200312.docx)

(A141, R146, H3200)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA LACTATION SUPPORT ACT” BY ADDING SECTION 41‑1‑130 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE EMPLOYERS DAILY SHALL PROVIDE EMPLOYEES WITH REASONABLE UNPAID BREAK TIME OR SHALL PERMIT EMPLOYEES TO USE PAID BREAK TIME OR MEAL TIME TO EXPRESS BREAST MILK, TO PROVIDE EMPLOYERS SHALL MAKE REASONABLE EFFORTS TO PROVIDE CERTAIN AREAS WHERE EMPLOYEES MAY EXPRESS BREAST MILK, TO PROVIDE EMPLOYERS MAY NOT DISCRIMINATE AGAINST EMPLOYEES FOR CHOOSING TO EXPRESS BREAST MILK IN THE WORKPLACE IN COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO ALLOW NONCOMPLIANCE WHEN AN UNDUE HARDSHIP ON THE EMPLOYER WOULD RESULT FROM COMPLIANCE, AND TO PROVIDE REMEDIES FOR VIOLATIONS; TO PROVIDE RELATED OBLIGATIONS OF THE HUMAN AFFAIRS COMMISSION; TO PROVIDE RELATED FINDINGS AND EXPRESS THE INTENTION OF THE GENERAL ASSEMBLY; AND TO PROVIDE A THIRTY‑DAY COMPLIANCE PERIOD FOR EMPLOYERS.**

Be it enacted by the General Assembly of the State of South Carolina:

**Citation**

SECTION 1. This act must be known and may be cited as the “South Carolina Lactation Support Act”.

**Intent**

SECTION 2. It is the intent of the General Assembly, by this act, to promote public health and to support those who wish to express breast milk at work by requiring employers to make reasonable efforts to provide workers with reasonable unpaid break time and space to express milk at work. This act will not require employers to compensate employees for breaks taken to express breast milk unless the employer already provides compensated breaks and does not require employers to create a permanent or dedicated space for use by pumping employees. South Carolina ranks far lower than the national average of breastfed infants. Providing workers reasonable support to express milk on the job is a crucial health measure and will benefit South Carolina’s economy by keeping nursing employees in the workforce.

**Break times, definitions, remedies**

SECTION 3. Chapter 1, Title 41 of the 1976 Code is amended by adding:

 “Section 41‑1‑130. (A) As used in this section, ‘employer’ means a person or entity that employs one or more employees and includes the State and its political subdivisions.

 (B) An employer shall provide an employee with reasonable unpaid break time or shall permit an employee to use paid break time or meal time each day to express breast milk. The employer shall make reasonable efforts to provide a room or other location, other than a toilet stall, in close proximity to the work area, where an employee may express milk in privacy. An employer may not discriminate against an employee for choosing to express breast milk in the workplace in compliance with the provisions of this section. The break time must, if possible, run concurrently with any break time already provided to the employee. The employee shall make reasonable efforts to minimize disruption to the employer’s operations. The employer must be held harmless if it makes reasonable efforts to comply with this subsection. This section does not require an employer to provide break time if doing so would create an undue hardship on the operations of the employer. Nothing in this section shall be construed to require an employer to build a room for the primary purpose of expressing breast milk.

 (C) The procedures for seeking redress for violations of this chapter are provided in Section 1‑13‑90.”

**Human Affairs Commission directives**

SECTION 4. Within thirty days after approval by the Governor of this act, the South Carolina Human Affairs Commission shall post on its website information to educate employers, employees, and employment agencies about their rights and responsibilities under this act. The website must include a phone number for employers to call to receive information about this act and assistance in complying with the provisions of this act, and a link to additional information on this act on the commission’s website.

**Employer compliance**

SECTION 5. Employers have thirty days after the South Carolina Human Affairs Commission posts the required information in SECTION 4 to its website before they must comply with the provisions of this act.

**Construction**

SECTION 6. Nothing in this act may be construed to preempt, limit, diminish, or otherwise affect another provision of federal, state, or local law, or to invalidate or limit the remedies, rights, and procedures of a federal, state, or local law that provides greater or equal protection for an employee affected by pregnancy, childbirth, or a related condition.

**Time effective**

SECTION 7. This act takes effect thirty days after approval by the Governor.

Ratified the 25th day of June, 2020.

Approved the 25th day of June, 2020.

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