**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 406**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Fanning

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Companion/Similar bill(s): 3200

Introduced in the Senate on January 22, 2019

Currently residing in the Senate Committee on **Labor, Commerce and Industry**

Summary: SC Lactation Support Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/22/2019 Senate Introduced and read first time ([Senate Journal‑page 11](file:///h:\sj\20190122.docx))

1/22/2019 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 11](file:///h:\sj\20190122.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=406&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/22/2019](file:///p:\pprever\2019-20\406_20190122.docx)

**A** **BILL**

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 DEFINE 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, AND TO PROVIDE REMEDIES FOR VIOLATIONS; AND TO PROVIDE RELATED FINDINGS AND EXPRESS RELATED POLICIES.

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

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

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.

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 restroom, 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 work place in compliance with the provisions of this section.

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

SECTION 4. 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.

SECTION 5. This act takes effect upon approval by the Governor.

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