

House Bill 2541

Sponsored by Representatives VALDERRAMA, GRAYBER, Senators TAYLOR, GELSER BLOUIN; Representatives FRAGALA, MARSH, NELSON, NOSSE, RUIZ, TRAN, Senators CAMPOS, PATTERSON, PHAM K, REYNOLDS, SOLLMAN (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes laws regarding expressing breast milk at work. The Act takes effect when the Governor signs it. (Flesch Readability Score: 76.9).

Provides certain agricultural workers with rights to express breast milk in the workplace.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to rights of certain agricultural workers to express milk in the workplace; amending ORS
3 653.077; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 653.077 is amended to read:

6 653.077. (1) As used in this section:

7 (a) "Reasonable efforts" means efforts that do not impose an undue hardship on the operation
8 of an employer's business.

9 (b) "Undue hardship" means significant difficulty or expense when considered in relation to the
10 size, financial resources, nature or structure of the employer's business.

11 (2)(a) An employer shall provide reasonable unpaid rest periods to accommodate an employee
12 who needs to express milk for the employee's child.

13 (b) When possible, an employee shall provide reasonable notice to the employer that the em-
14 ployee intends to express milk upon returning to work after the child's birth. Failure to give notice
15 under this subsection is not grounds for discipline.

16 (c) The employer shall provide the employee a reasonable rest period to express milk each time
17 the employee has a need to express milk.

18 (d) The employee shall, if feasible, take the rest periods to express milk at the same time as the
19 rest periods or meal periods that are otherwise provided to the employee.

20 (e) If the employer is required by law or contract to provide the employee with paid rest periods,
21 the employer shall treat the rest periods used by the employee for expressing milk as paid rest pe-
22 riods, up to the amount of time the employer is required to provide as paid rest periods. If an em-
23 ployee takes unpaid rest periods, the employer may allow the employee to work before or after the
24 employee's normal shift to make up the amount of time used during the unpaid rest periods. If the
25 employee does not work to make up the amount of time used during the unpaid rest periods, the
26 employer is not required to compensate the employee for that time.

27 (3) When an employer's contribution to an employee's health insurance is influenced by the
28 number of hours the employee works, the employer shall treat any unpaid rest periods used by the

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 employee to express milk as paid work time for the purpose of measuring the number of hours the
2 employee works.

3 (4) An employer with 10 or fewer employees is not required to provide rest periods under this
4 section if to do so would impose an undue hardship on the operation of the employer's business.

5 (5)(a) An employer shall make reasonable efforts to provide a location, other than a public
6 restroom or toilet stall, in close proximity to the employee's work area for the employee to express
7 milk in private.

8 (b) The location may include, but is not limited to:

9 (A) The employee's work area if the work area meets the requirements of paragraph (a) of this
10 subsection;

11 (B) A room connected to a public restroom, such as a lounge, if the room allows the employee
12 to express milk in private; or

13 (C) A child care facility in close proximity to the employee's work location where the employee
14 can express milk in private.

15 (6) An employer may allow an employee to temporarily change job duties if the employee's reg-
16 ular job duties do not allow the employee to express milk.

17 (7) This section applies only to an employer whose employee is expressing milk for the
18 employee's child 18 months of age or younger.

19 (8) Notwithstanding ORS 653.020 [(3)], this section applies to:

20 (a) Individuals engaged in administrative, executive or professional work as described in ORS
21 653.020 (3).

22 (b) **Individuals employed in agriculture as described in ORS 653.020 (1)(c).**

23 (9)(a) In addition to, and not in lieu of, any other requirement under this section, each school
24 district board shall adopt a policy regarding breast-feeding in the workplace to accommodate an
25 employee who needs to express milk for the employee's child.

26 (b) Each policy must, at a minimum, designate a location at the school facility, other than a
27 public restroom or toilet stall, in close proximity to the employee's work area for the employee to
28 express milk in private.

29 (c) A policy adopted under this subsection, including the designated locations where an em-
30 ployee may express milk, must be published in an employee handbook. In addition, a list of the
31 designated locations must be readily available, upon request, in the central office of each school
32 facility and in the central administrative office for each school district.

33 (10) The Commissioner of the Bureau of Labor and Industries shall adopt rules to implement and
34 enforce this section.

35 **SECTION 2. This 2025 Act being necessary for the immediate preservation of the public**
36 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
37 **on its passage.**