

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 35

Session of  
2007

INTRODUCED BY C. WILLIAMS, COSTA, MUSTO, BOSCOLA, KITCHEN,  
FONTANA AND FOLMER, FEBRUARY 7, 2007

REFERRED TO LABOR AND INDUSTRY, FEBRUARY 7, 2007

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222),  
2 entitled, as amended, "An act prohibiting certain practices  
3 of discrimination because of race, color, religious creed,  
4 ancestry, age or national origin by employers, employment  
5 agencies, labor organizations and others as herein defined;  
6 creating the Pennsylvania Human Relations Commission in the  
7 Governor's Office; defining its functions, powers and duties;  
8 providing for procedure and enforcement; providing for  
9 formulation of an educational program to prevent prejudice;  
10 providing for judicial review and enforcement and imposing  
11 penalties," defining "breastfeeding"; further providing for  
12 unlawful discriminatory practices; and providing for  
13 breastfeeding by employees.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Sections 4 and 5 of the act of October 27, 1955  
17 (P.L.744, No.222), known as the Pennsylvania Human Relations  
18 Act, are amended by adding clauses to read:

19 Section 4. Definitions.--As used in this act unless a  
20 different meaning clearly appears from the context:

21 \* \* \*

22 (bb) The term "breastfeeds" means the feeding of a child  
23 directly from the breast.

1       Section 5.   Unlawful Discriminatory Practices.--It shall be  
2   an unlawful discriminatory practice, unless based upon a bona  
3   fide occupational qualification, or in the case of a fraternal  
4   corporation or association, unless based upon membership in such  
5   association or corporation, or except where based upon  
6   applicable security regulations established by the United States  
7   or the Commonwealth of Pennsylvania:

8       \* \* \*

9       (m) For any employer, employment agency or labor  
10   organization to refuse to hire or employ, or to bar or discharge  
11   from employment, or withhold pay, demote or penalize, or  
12   otherwise discriminate against a lactating individual because  
13   the individual breastfeeds or expresses milk at the workplace.

14       \* \* \*

15       Section 2.   The act is amended by adding a section to read:

16       Section 5.4.   Breastfeeding by Employes.--No employer shall  
17   prohibit an employe from expressing breastmilk during any meal  
18   period or other break period required by law to be provided by  
19   the employer or required by collective bargaining agreement.

20       Section 3.   This act shall take effect in 60 days.