

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 164 Session of 2009

INTRODUCED BY SOLOBAY, BARRAR, BISHOP, BRENNAN, CALTAGIRONE,
CARROLL, COHEN, DONATUCCI, HARKINS, MAHONEY, MANN,
McILVAINE SMITH, MOUL, MUNDY, M. O'BRIEN AND PAYNE,
JANUARY 30, 2009

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JANUARY 30, 2009

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

1 with breast milk directly from the breast.

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

9 * * *

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

16 * * *

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

18 Section 5.4. Breastfeeding by Employes.--No employer shall
19 prohibit an employe who is lactating from expressing her breast
20 milk during any meal period or other break period required by
21 law to be provided by the employer or required by collective
22 bargaining agreement.

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