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## Lactation Law – Effective 1/1/19 – AB 1976

Existing law requires every employer to provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child and requires an employer to make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area for the employee to express milk in private. Existing law makes a violation of these provisions subject to a civil penalty and makes the Labor Commissioner responsible for enforcement

AB1976 goes into effect January 1, 2019 and requires an employer to make reasonable efforts to provide an employee with use of a room or other location, other than a bathroom, for these purposes.

An employer is in compliance with the requirement of providing a lactation location if the employer makes available a temporary lactation location that meets specified conditions, including that the temporary lactation location be used only for lactation purposes while an employee expresses milk.

An agricultural employer is in compliance with the requirement of providing a lactation location if the agricultural employer provides an employee with a private, enclosed, and shaded space, as specified.

If the employer can demonstrate to the Department of Industrial Relations that this requirement would impose an undue hardship, when considered in relation to the size, nature, or structure of the employer's business. The bill would still require that employer make reasonable efforts to provide a room or location for expressing milk that is not a toilet stall.