

LEGISLATIVE COMMITTEE MINUTES

SB618

Bill as Introduced

SB 618-FN - AS INTRODUCED

2020 SESSION

20-2764
04/08

SENATE BILL

618-FN

AN ACT

requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

SPONSORS:

Sen. Fuller Clark, Dist 21; Sen. Cavanaugh, Dist 16; Rep. Butler, Carr. 7

COMMITTEE:

Commerce

ANALYSIS

This bill requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours. The bill also provides for a nursing employers tax credit against the business enterprise tax for expenses incurred by an employer to make sufficient space available for nursing employees.

Explanation:

Matter added to current law appears in ***bold italics***.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; Policies Relating to Nursing Employees. Amend RSA 275 by inserting after
2 section 77 the following new subdivision:

3 Policies Relating to Nursing Employees

4 275:78 Policies Relating to Nursing Mothers. In this subdivision:

5 I. "Employee" shall mean a person who may be permitted, required, or directed by an
6 employer in consideration of direct or indirect gain or profit but shall not include any individual who
7 volunteers services for a public, charitable, or religious facility without expectation or promise of
8 pay.

9 II. "Employer" shall mean a person, partnership, association, corporation, or legal
10 representative of a person, partnership, association, or corporation, or the state or any of its political
11 subdivisions, which has 6 or more employees working in the state.

12 III. "Expression of milk" means the initiation of lactation by manual or mechanical means
13 but shall not include breastfeeding.

14 IV. "Reasonable break period" shall mean an unpaid break of no less than 30 minutes for
15 every 3 hours of work performed for a nursing employee for the purpose of expressing milk.

16 275:79 Notification of Policies.

17 I. Every employer shall adopt a policy to address the provision of sufficient space and
18 reasonable break periods for nursing employees that need to express milk during working hours.

19 II. Every employer shall, at the time of hire, make available to its employees the employer's
20 policy related to expression of milk during working hours.

21 III. A nursing employee shall notify its employer at least 2 weeks prior to needing
22 reasonable break periods and sufficient space for expression of milk during work hours.

23 275:80 Sufficient Space.

24 I. Every employer shall provide access to reasonable, sufficient space, either temporary or
25 permanent in nature, for the use of an employee to express milk for a nursing child for a period of
26 one year from the date of birth of the child.

27 II. The location of the reasonable space provided shall be within close proximity to the
28 employees worksite, unless otherwise mutually agreed to by the employer and employee.

29 III. Sufficient space provided in accordance with this section shall not be a bathroom, and
30 shall be a private, secure, sanitary space shielded from view and intrusion.

SB 618-FN - AS INTRODUCED

- Page 2 -

1 (a) If the private space is not solely for the use of employees expressing milk it shall be
2 made available when requested to comply with the requirements set forth in this subdivision.

3 (b) If feasible, the room shall have, at a minimum, an electrical outlet and a chair.

4 275:81 Reasonable Break Period.

5 I. Every employer shall provide reasonable rest periods to employees who need to express
6 milk for a child for a period of one year from the date of birth of the child. Nothing in this section
7 shall preclude an employer from providing reasonable rest periods to express milk in excess of this
8 requirement.

9 II. Nothing under this subdivision precludes an employee from taking reasonable rest
10 breaks contemporaneously with rest or meal periods already provided to the employee by the
11 employer.

12 III. An employer shall not require an employee to make up time related to use of unpaid
13 reasonable break periods.

14 275:82 Penalties. Any employer who violates any provision of this subdivision shall be subject
15 to a civil penalty pursuant to RSA 273:11-a.

16 275:83 Hardship Exemption. An employer may be exempted from this subdivision if providing
17 reasonable break time and sufficient space for expressing milk would substantially disrupt the
18 employer's operations.

19 275:84 Tax Credit for Nursing Employees.

20 I. There shall be a tax credit allowed for expenses incurred by an employer to make
21 sufficient space available for nursing employees as required in this subdivision.

22 II. The amount of the tax credit shall be the lesser of:

23 (a) The expenses incurred by the employer in the taxable period to make sufficient space
24 available for nursing employees as provided in RSA 275:80;

25 (b) The employer's proportional share of the maximum aggregate tax credit amount
26 allowed in paragraph III; or

27 (c) \$5,000.

28 III. The aggregate of all tax credits awarded by the commissioner of the department of labor
29 shall not exceed \$250,000 in any state fiscal year, except that any amount less than \$250,000 that is
30 not awarded in such fiscal year may be awarded in the next fiscal year. In the case in which the
31 aggregate tax credits claimed during the state fiscal year exceed the amount available, each
32 employer shall receive a tax credit for the proportional share of the maximum aggregate tax credit
33 amount.

34 IV. An employer shall apply for the tax credit on forms provided by the commissioner of the
35 department of labor, accompanied by information or records required by the commissioner, in
36 accordance with rules adopted under RSA 541-A. Such application shall be postmarked no later
37 than January 31 following the taxable period in which the expenses were incurred.

SB 618-FN - AS INTRODUCED

- Page 3 -

1 V. A determination on the final amount of the tax credit awarded by the commissioner of the
2 department of labor to each employer claiming the tax credit shall be made no later than March 31
3 of each year. The commissioner shall certify to the commissioner of the department of revenue
4 administration the tax credit awarded to each employer.

5 VI. The tax credit or any unused portion thereof may be carried forward for 5 taxable
6 periods from the taxable period in which the expenses were incurred.

7 VII. For the purpose of RSA 77-A:5, X, the tax credit allowed under this section shall be
8 considered taxes paid under RSA 77-E.

9 2 New Section; Business Enterprise Tax Credit; Nursing Employees Tax Credit. Amend RSA
10 77-E by inserting after section 3-d the following new section:

11 77-E:3-e Nursing Employees Tax Credit. The nursing employees tax credit as computed in RSA
12 275:84 shall be allowed against the tax due under this chapter.

13 3 New Paragraph; Business Profits Tax; Credits; Nursing Employees Tax Credit. Amend RSA
14 77-A:5 by inserting after paragraph XVI the following new paragraph:

15 XVII. The unused portion of any tax credit awarded by the commissioner of the department
16 of labor as computed in RSA 275:84.

17 4 Effective Date. This act shall take effect 120 days after its passage.

**SB 618-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General Government Funds	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Various

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

LOCAL:

Revenue	\$0	\$0	\$0	\$0
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METHODOLOGY:

This bill requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours. The bill also provides for a nursing employers tax credit against the business enterprise tax for expenses incurred by an employer to make sufficient space available for nursing employees.

The Department of Administrative Services, Division of Personnel identified the following provisions of this bill that may have an impact on state expenditures:

- The bill would require a minimum break of 30 minutes for every 3 hours of work performed. Although the break is unpaid, the impact on productivity and the potential cost are indeterminable.
- The costs to create and publish a policy, educate employees about the policy, and enforce the policy are indeterminable.

- The cost to provide private, secure and sanitary space in close proximity to the employee's work site is also unknown. Some employers may already have such space and others may need to make modifications to existing space.

The Department of Labor indicates, apart from the tax credit, the bill is unlikely to have any impact on state, county or local revenue. The Department assumes state county and local governments would incur costs to achieve compliance with the requirements of the bill. The Department does not have information relative to current government facilities or capacity of governments to make the separate space available. The Department would create forms and processes for the receipt, review and approval or rejection of applications for the tax credit. The Department is not able to estimate the cost to administer a process for reviewing the tax credit applications. In addition, the Department assumes it would need to review whether employers are in compliance with mandates of the bill. The Department does not expect it would need additional staff for compliance review.

The Department of Revenue Administration states the bill provides for a Nursing Employees Tax Credit (NETC) of up to \$5,000 for an employer's cost to make sufficient space available for nursing employees. The NETC must first be applied to the Business Enterprise Tax and any unused portion against the Business Profits Tax. The NETC, or any unused portion, may be carried forward for 5 taxable periods from the period in which the expenses were incurred. Employers must apply for the NETC to the Department of Labor by January 31st following the taxable period in which the expenses were incurred. By March 31st, the Department of Labor would certify the total amount of the NETC awarded and the amount awarded to each employer to the Department of Revenue Administration. The aggregate of all credits awarded shall not exceed \$250,000. If the total credits exceed \$250,000, employers would receive a proportional share. The Department indicates the bill would decrease business tax revenue by an indeterminable amount beginning in FY 2021. The Department does not know to what extent employers would incur costs to make space available for nursing employees or whether they would be awarded NETCs. Although the aggregate credit amount is limited to \$250,000, taxpayers can carry forward unused credits for up to 5 taxable periods. The Department assumes it could administer the provisions of the bill without incurring additional expenditures.

The New Hampshire Municipal Association indicates the required break period is not likely to affect municipal expenditures. The requirement to provide a separate space is likely to require additional expenditures for those workplaces that do not have existing space for such use or space which could easily be converted. The Association indicates it is unclear how employer exemptions would be determined and granted. There would be no impact on municipal revenues.

The New Hampshire Association of Counties indicates this bill would not result in additional cost to the counties.

AGENCIES CONTACTED:

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Municipal Association and New Hampshire Association of Counties

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03/05/2020 0780s

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SB 618-FN - AS AMENDED BY THE SENATE

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Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other Various Government Funds			

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Commerce

QTP/A S-O CONSENT

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The Department of Labor indicates, apart from the tax credit, the bill is unlikely to have any impact on state, county or local revenue. The Department assumes state county and local governments would incur costs to achieve compliance with the requirements of the bill. The Department does not have information relative to current government facilities or capacity of governments to make the separate space available. The Department would create forms and processes for the receipt, review and approval or rejection of applications for the tax credit. The Department is not able to estimate the cost to administer a process for reviewing the tax credit applications. In addition, the Department assumes it would need to review whether employers are in compliance with mandates of the bill. The Department does not expect it would need additional staff for compliance review.

The Department of Revenue Administration states the bill provides for a Nursing Employees Tax Credit (NETC) of up to \$5,000 for an employer's cost to make sufficient space available for nursing employees. The NETC must first be applied to the Business Enterprise Tax and any unused portion against the Business Profits Tax. The NETC, or any unused portion, may be carried forward for 5 taxable periods from the period in which the expenses were incurred. Employers must apply for the NETC to the Department of Labor by January 31st following the taxable period in which the expenses were incurred. By March 31st, the Department of Labor would certify the total amount of the NETC awarded and the amount awarded to each employer to the Department of Revenue Administration. The aggregate of all credits awarded shall not exceed \$250,000. If the total credits exceed \$250,000, employers would receive a proportional share. The Department indicates the bill would decrease business tax revenue by an indeterminable amount beginning in FY 2021. The Department does not know to what extent employers would incur costs to make space available for nursing employees or whether they would be awarded NETCs. Although the aggregate credit amount is limited to \$250,000, taxpayers can carry forward unused credits for up to 5 taxable periods. The Department assumes it could administer the provisions of the bill without incurring additional expenditures.

The New Hampshire Municipal Association indicates the required break period is not likely to affect municipal expenditures. The requirement to provide a separate space is likely to require additional expenditures for those workplaces that do not have existing space for such use or space which could easily be converted. The Association indicates it is unclear how employer exemptions would be determined and granted. There would be no impact on municipal revenues.

The New Hampshire Association of Counties indicates this bill would not result in additional cost to the counties.

AGENCIES CONTACTED:

Departments of Administrative Services, Labor and Revenue Administration, New Hampshire
Municipal Association and New Hampshire Association of Counties

**SB 618-FN FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2020-0780s)**

AN ACT requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General Various Government Funds	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours. The bill also provides for a nursing employers tax credit against the business enterprise tax for expenses incurred by an employer to make sufficient space available for nursing employees.

The Department of Administrative Services, Division of Personnel identified the following provisions of this bill that may have an impact on state expenditures:

- The bill would require a minimum break of 30 minutes for every 3 hours of work performed. Although the break is unpaid, the impact on productivity and the potential cost are indeterminable.

- The costs to create and publish a policy, educate employees about the policy, and enforce the policy are indeterminable.
- The cost to provide private, secure and sanitary space in close proximity to the employee's work site is also unknown. Some employers may already have such space and others may need to make modifications to existing space.

The Department of Labor indicates, apart from the tax credit, the bill is unlikely to have any impact on state, county or local revenue. The Department assumes state county and local governments would incur costs to achieve compliance with the requirements of the bill. The Department does not have information relative to current government facilities or capacity of governments to make the separate space available. The Department would create forms and processes for the receipt, review and approval or rejection of applications for the tax credit. The Department is not able to estimate the cost to administer a process for reviewing the tax credit applications. In addition, the Department assumes it would need to review whether employers are in compliance with mandates of the bill. The Department does not expect it would need additional staff for compliance review.

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easily be converted. The Association indicates it is unclear how employer exemptions would be determined and granted. There would be no impact on municipal revenues.

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AGENCIES CONTACTED:

Departments of Administrative Services, Labor and Revenue Administration, New Hampshire
Municipal Association and New Hampshire Association of Counties

Amendments

Amendment to SB 618-FN

1 Amend RSA 275:81 as inserted by section 1 of the bill by replacing it with the following:

2

3 275:81 Reasonable Break Period.

4 I. Every employer shall provide reasonable break periods to employees who need to express
5 milk for a child for a period of one year from the date of birth of the child. Nothing in this section
6 shall preclude an employer from providing reasonable break periods to express milk in excess of this
7 requirement.

8 II. Nothing under this subdivision shall preclude an employee from taking a reasonable
9 break period contemporaneously with break or meal periods already provided to the employee by the
10 employer.

11 III. An employer shall not require an employee to make up time related to use of unpaid
12 reasonable break periods.

13

14 Amend the section heading in RSA 275:84 as inserted by section 1 of the bill by replacing it with the
15 following:

16

17 275:84 Tax Credit for Employers of Nursing Employees.

18

19 Amend RSA 275:84, III as inserted by section 1 of the bill by replacing it with the following:

20

21 III. The aggregate of all tax credits shall not exceed \$250,000 in any state fiscal year, except
22 that any amount less than \$250,000 that is not awarded in such fiscal year may be awarded in the
23 next fiscal year. In the case in which the aggregate tax credits claimed during the state fiscal year
24 exceed the amount available, each employer shall receive a tax credit for the proportional share of
25 the maximum aggregate tax credit amount.

26

27 Amend the bill by replacing section 3 with the following:

28

29 3 New Paragraph; Business Profits Tax; Credits; Nursing Employees Tax Credit. Amend RSA
30 77-A:5 by inserting after paragraph XVI the following new paragraph:

31 XVII. The unused portion of any tax credit awarded by the commissioner as computed in
32 RSA 275:84.

2020-0754s

AMENDED ANALYSIS

This bill requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours. The bill also provides for a nursing employers tax credit against the business profits tax and the business enterprise tax for expenses incurred by an employer to make sufficient space available for nursing employees.

UNAPPROVED

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30 77-A:5 by inserting after paragraph XVI the following new paragraph:

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2020-0780s

AMENDED ANALYSIS

This bill requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours. The bill also provides for a nursing employers tax credit against the business profits tax and the business enterprise tax for expenses incurred by an employer to make sufficient space available for nursing employees.

Committee Minutes

SENATE CALENDAR NOTICE
Commerce

Sen Kevin Cavanaugh, Chair
Sen Jon Morgan, Vice Chair
Sen Donna Soucy, Member
Sen Chuck Morse, Member
Sen Harold French, Member

Date: January 16, 2020

HEARINGS

Wednesday	01/22/2020	
(Day)	(Date)	
Commerce	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	SB 477	establishing a council on the creative economy.
1:15 p.m.	SB 618-FN	requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.
1:30 p.m.	SB 620-FN	relative to coverage for certain biologically-based mental illnesses.
1:45 p.m.	SB 478	relative to food in cigar shops.
2:00 p.m.	SB 619-FN	repealing the sunset provision for insurance coverage for oral anti-cancer therapies.
2:15 p.m.	SB 411	relative to the direct shipping of liquor.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 477

Sen. Fuller Clark
Rep. Danielson

SB 618-FN

Sen. Fuller Clark

SB 620-FN

Sen. Sherman
Rep. Fothergill

SB 478

Sen. French
Sen. Bradley

SB 619-FN

Sen. Bradley
Sen. Gray
Sen. Feltes
Sen. Sherman

SB 411

Sen. D'Allesandro

Sen. Dietsch
Rep. Wilhelm

Sen. Cavanaugh

Sen. Watters
Rep. Marsh

Sen. Morgan
Rep. Pearl

Sen. Rosenwald
Sen. Fuller Clark
Sen. Chandley
Rep. Williams

Sen. Morse

Sen. Chandley

Rep. Butler

Sen. Hennessey
Rep. Woods

Sen. Carson

Sen. Ward
Sen. Reagan
Sen. Morgan
Rep. Marsh

Sen. Kahn

Rep. Indruk

Sen. Levesque

Sen. Levesque
Sen. Birdsell
Sen. Carson
Rep. Knirk

Aaron Jones 271-1403

Kevin Cavanaugh
Chairman

Senate Commerce Committee

Aaron Jones 271-1403

SB 618-FN, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Hearing Date: January 22, 2020

Time Opened: 1:27 p.m.

Time Closed: 2:27 p.m.

Members of the Committee Present: Senators Cavanaugh, Morgan, Soucy, Morse and French

Members of the Committee Absent : None

Bill Analysis: This bill requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours. The bill also provides for a nursing employers tax credit against the business enterprise tax for expenses incurred by an employer to make sufficient space available for nursing employees.

Sponsors:

Sen. Fuller Clark

Sen. Cavanaugh

Rep. Butler

Who supports the bill: Senator Martha Fuller Clark, Representative Mary Jane Mulligan, Representative Wendy Chase, Nancy Vaughan (American Heart Association), Donna Hosmer, Joyce Kelly, Sherry Stevens (NHCM), Christina D'Allesandro (Mom's Rising), Lindsay Spinale, Rebecca Woitkowski (New Futures), Michael Padmore (NH Medical Society), Jennifer Frizzell (NH Women's Foundation), Heath Smith, Dan Weeks (Revision Energy), Paula Oliveira (NH Breastfeeding Taskforce), Maureen Gilbert, Cindy Johnson, Lissa Sirois (DHHS), Holly Murray, Sarah Ouellette, Carolyn Fredette, Kristine Zunega, David Zunega, Andrea Ackerson, Nick Carano (NH Hospital Association), Kristina Thompson, Jessica Webb, Emily Panar, Jennifer York, Courtney Tanner (Dartmouth-Hitchcock), Sandra Rice Hawkins (Granite State Progress), Tabatha Van Hora, Michelle Scott

Who opposes the bill: Alvin See

Who is neutral on the bill: David Juret (BIA), Lexie Rojas (NH DOL)

Summary of testimony presented in support:

Senator Martha Fuller Clark

- This bill incorporated recommendations made by the Advisory Council on Lactation.
- This bill offers considerable flexibility to businesses, so that they can provide access to sufficient space and breaktime for nursing mothers.
 - A nursing space doesn't have to be permanent. Instead, it can be rented like the mom-a-pod in the Legislative Office Building.
 - This bill would be applicable only to businesses with 6 or more employees.
 - Any small business paying the BET tax can apply for a tax credit of up to \$5,000 for the purposes of creating private and sanitary spaces for nursing mothers.
 - There's no estimate to how many businesses will apply for this tax credit.
 - It is important to note, the tax credit itself is not dependent on this bill going forward.
 - It's possible for several businesses within close proximity to share lactation rooms.
- Senator Fuller Clark acknowledged there have been concerns raised about how long breaktimes are. She stated those may need to be adjusted.
- Senator Soucy asked where Senator Fuller Clark was referring to breaktimes in the bill.
 - Senator Fuller Clark replied that the breaktime language can be located on page 1, lines 14-15. Breaktimes are also discussed in section 275:81 beginning on page 2, line 4. Most women need at least a 30-minute break to express milk every three hours. Anything longer than every 3 hours may lead to increased discomfort for the mother. Further, as a mother continues to nurse, they may not need to take as many breaks.

Donna Hosmer

- Under the Affordable Care Act, the breastfeeding breaktime provision only covers hourly employees. Subsequently, about 1-in-4 women are not covered by that law in New Hampshire.
- New Hampshire is the only state in New England without workplace breastfeeding legislation.
- Last year, Mrs. Hosmer's business received a grant, which allowed them to build a special employee and customer lactation room.
- Women may be less likely or discouraged to return to work if they believe there will be no sufficient nursing spaces available.

- **Senator French** stated that AutoServ has a lot of space, so how can businesses like McDonalds build nursing areas when they have only a specific amount of square footage.
 - **Hosmer** replied that AutoServ at one point only had a folding barrier in the waiting room for nursing employees and customers. She stated that businesses can certainly find creative ways to provide nursing areas.

Joyce Kelly

- As stated previously, federal law only covers hourly employees under the Fair Labor Standards Act. This bill is intended to close this gap in coverage, so that all breastfeeding mothers are given accommodations within the workplace.
- The 29 states that have workplace nursing and breacktime accommodations have seen better breastfeeding duration outcomes.
- For every \$1 spent on these accommodations, a business gets about \$3 in return.
- It is important to have a more family friendly economy, especially in a tight labor market.
- **Senator Soucy** asked if she had any comments about what a reasonable breacktime is.
 - **Kelly** responded that flexibility is key. The guidelines provided in this bill were developed with considerable input. There is a lot of variability in how long it can take a mother to express milk, such as the age of the baby. Women can lose their milk supply if they're not given the proper amount of time.
 - **Senator Soucy** followed up by asking is 30-minutes a median amount of time for expressing milk.
 - **Kelly** stated it really depends on the age of the baby.
 - **Paula Oliveira** stated that 30-minutes is the average; however, expressing milk could take as little as 15 minutes.
- **Senator French** asked the same question he posed to Mrs. Hosmer.
 - **Kelly** stated that businesses are already subject to federal breacktime requirements. Additionally, nursing spaces aren't meant to be permanent. In the case of McDonald's, nursing mothers can use the manager's office. If the space is lockable and sanitary, it can be used.
 - **Oliveira** reiterated Joyce Kelly's point that this bill provides businesses with flexibility and creativity.

Christina D'Allesandro, Mom's Rising

- 50% of mothers return to work after 3 months; however, 33% return to work within 3 weeks.
- It's important that there are safe, clean spaces for mothers to express milk upon their return to work.

Lindsey Spinale; Sarah Ouelette; Heather Smith; Rebecca Woitkowski, New Futures; Maureen Gilbert; Courtney Tanner, Director of Government Relations from Dartmouth-Hitchcock; Dan Weeks, Revision Energy

- Each speaker highlighted the health, nutritional, and emotional benefits that breastfeeding provides between both the mother and child.
- There were several speakers that shared personal stories regarding how current or former workplace policies were inadequate.
 - There was one instance, where an employee was forced to express milk in an unsanitary, public bathroom. After she told her manager about these conditions, she was given two options: continue to use the public bathroom or use the manager's office, which was recorded.
 - Another person who testified was also told to express milk in an unsanitary public bathroom. She was then given the option to express milk in the basement of the business. Despite privacy signs being put up, a delivery man entered her nursing space and refused to leave. As a result, she felt uncomfortable to return to work for several days.
- By allowing nursing spaces within the workplace, there's a greater chance of employees returning to work and feeling more comfortable. Additionally, it enables businesses to attract and retain women in the workplace.
- Mr. Weeks stated this bill will make an invaluable difference, while coming at a negligible cost to employers.

Summary of testimony presented in opposition: None

Neutral Information Presented:

David Juret, BIA

- Mr. Juret thanked Senator Fuller Clark and the advisory council for reaching out to the BIA for its opinions on this bill.
- The BIA doesn't object to this bill; however, there are some areas of concern that need to be addressed.
 - First, by suggesting a breaktime no less than 30-minutes, the nursing employee may lose salary time unnecessarily (Page 1, Line 14-15). Every

nursing mother is different, so perhaps using language, such as “mutually agreed upon” might be better (Page 1, Line 28).

- o Second, there’s a lot that needs to be covered on the first day of employment, so it might be beneficial if the employer’s policy regarding nursing is included in the employee handbook instead (Page 1, Line 19-20).
- o Third, there’s no objection to the notification period; however, some employers may need more time (Page 1, Line 21).
- o Fourth, it may be beneficial to change “close proximity” to “reasonable proximity” to once again provide businesses with flexibility (Page 1, Line 27).
- o Finally, in terms of the hardship exemption, would an employer need to apply for it through a specific agency or department (Page 2, Line 16).

Lexie Rojas, NH DOL

- The department doesn’t take a position on this bill; however, it did participate in the Advisory Council on Lactation.
- The department offered technical guidance, which was incorporated on page 2, lines 5-8.
- On page 2, lines 5 and 7, the department believes that “reasonable rest periods” should instead be changed to “reasonable break periods” for consistency.
- If a mother decides to clock in early from a break, the department found this does not conflict with the short break provision.
- With respect to the tax credit, on page 2, line 28, it should be changed from “department of labor” to “department of revenue”. If those changes are made, then on page 3, lines 3-4, beginning with “The commissioner shall...” would no longer be needed.
- This bill allows the DOL and DRA to work together.
 - o The DOL would go to businesses to ensure that nursing spaces meet statutory requirements.
 - o The DOL would also create a form with the help of the DRA for the tax credit. The employer would fill out that form and attach any documentation, which the DRA would use to calculate the tax credit and award it.
- **Senator French** asked based on page 1, line 28, would the department come up with a form that covers language that a nursing space must be in a mutually agreed upon location.

- o **Rojas** responded it's her interpretation that would be up to the employer to do that. The DOL would only get involved if there was a complaint, such as a nursing space being several miles away. It would also be recommended that companies create a form and keep track of breaktimes every 3 hours.

AJ

Date Hearing Report completed: January 27, 2020

Speakers

Senate Commerce Committee

SIGN-IN SHEET

Date: 01/22/2020 Time: 1:15 p.m.

SB 618-FN An ACT requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Name/Representing (please print neatly)

Name/Representing	Support	Oppose	Speaking?	Yes	No
✓ Alvin See Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ David Juret BIA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Nancy Vaughan American Heart Assn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Danna Hosmer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Lexie Rojas, NHDOL	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Rep. Mary Jane Mulligan ^{9th Dist #10} Han/Lyme	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
✓ Joyce Kelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Sherry Stevens NHCM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ CHRISTINA D'ALLESANDRO MOMS RISING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Lindsay Spinale, nursing mother	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Rebecca Waitkowsky, New Futures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Michael Padmore NH Medical Society	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Rep W Chason ^{Strat Dist 18}	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Jennifer Frizzell, NH Womens Foundation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Heather Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Dan Weeks, Revision Energy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Senator Fuller Clark SD#21	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>

15
time

Senate Commerce Committee

SIGN-IN SHEET

Date: 01/22/2020 Time: 1:15 p.m.

SB 618-FN An ACT requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Name/Representing (please print neatly)

Name/Representing	Support	Oppose	Speaking?	Yes	No
✓ Paula Oliveira/NH Breastfeeding Task Force	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Muzser Gilbert-Jacobson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Cindy Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Lissa Sirois /DHHS	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Holly Meehan MULLROY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
✓ Sarah Ouellette	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Carolyn Fredette	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
✓ Kristine Zuniga ZUNIGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
✓ David Zuniga	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
✓ Andrea Ackerson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ NICK CARANO/NH HOSPITAL ASSOCIATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Kristine Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Jessica Webb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
✓ Emily Panar PANAI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
✓ Jennifer York	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Marum Lemmel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>

Testimony

Good afternoon,

My name is Lindsay Spinale. I am a dietitian and I work 20hrs/week right here in Concord at Pleasant View Center across from the hospital. I have a 10-month old at home named Elijah.

Breastfeeding my baby has been a precious journey. That is not to say it has been easy, though! The around-the-clock frequency and physical toll on my body made breastfeeding so much harder than I thought it would be. But I chose to persevere for 2 reasons. One, because I knew it was the absolute best nutrition for Eli and two, I had amazing support from the lactation consultants at CMC in Manchester. I am so glad I stuck with it for so many reasons including the nutrition benefits and the antibodies to protect Eli from illness. But best of all is the special connection I get to share with my son each time he nurses.

I am grateful that my job allows me my own office space and flexibility in my schedule to be able to pump breast milk at work. But I just want to tell one story because I think it paints a good picture. So at my usual center I am able to pump but, I covered at a different center when I first got back from maternity leave. The only space for me to pump was in a shared office so I just turned my back and pumped in the same room with 2 other women. We locked the door and put up a sign that said "pumping in progress". But the administrator thought that meant they were pumping the toilet in the bathroom and he started unlocking the door! I was so panicked but thankfully one of the girls rushed to the door to stop him from coming in. The next day I pulled the cord under the bathroom door and stood up holding the pump in my hand. I was so mortified!

So please ~~do~~ support nursing moms at work! We are feeding the future generation. Shouldn't we give mothers the best support we can so they can give our children the best nutrition and start at life? Thank you for your time and consideration.



Dartmouth-Hitchcock Medical Center
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Senator Kevin Cavanaugh - Chair
Senate Commerce Committee

January 22, 2020

Re: SB 618 – requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time

Mr. Chairman and Members of the Committee,

I urge passage of SB 618 and provide the following in support. I am the Chief Medical Officer (CMO) at Dartmouth-Hitchcock Medical Center (DHMC). As the CMO, I am charged with oversight of our clinical departments and the physicians within those departments, including Obstetrics & Gynecology. I am also writing to you as a practicing OB-GYN physician.

Scientific studies have demonstrated the neonatal benefits of breastfeeding to mothers and babies. The skin-to-skin contact that occurs between a mother and her baby when breastfeeding has been demonstrated to provide greater cardiorespiratory stability in late pre-term babies, reduce stress in newborns, provide a greater sense of security in infants, reduce infant crying, and maintain glucose balance.

In both resource rich and resource poor nations, human milk, compared to formula, decreases the risk of acute illnesses during the time period in which the infant is fed. Most of these benefits are related to protection from infectious diseases such as gastroenteritis and diarrhea, respiratory disease, ear infections, urinary tract infections, and noninfectious events such as sudden infant death syndrome. In fact, exclusive breastfeeding and longer duration of breastfeeding has been shown to offer the greatest protection against sudden infant death. Further, studies in low and middle income resource countries have demonstrated that children exclusively breastfed through 5 months had lower risk of all-cause infections and decreased mortality.

Breastfeeding also has benefits that extend to the mother and the family. Breastfeeding and longer duration of breastfeeding are associated with lower rates of breast cancer, ovarian cancer, hypertension and diabetes.

Breastfeeding also positively impacts our society. The rate of hospitalizations and outpatient visits is lower among breast-fed infants, which reduce the cost of health care for our employees and for employers. The economic cost of not breastfeeding come from a combination of sources, including direct health care cost to treat maternal and child morbidity, less economic productivity due to premature mortality and cost associated with cognitive development. For example, families are able to save an estimated \$1,200 to \$2,000 annually per infant (the cost of formula).

100 North Main Street
Lebanon, NH 03756
603-448-2000
www.dartmouth-hitchcock.com

Dartmouth-Hitchcock Medical Center

In closing, Dartmouth-Hitchcock supports SB 618. This bill will provide a minimum standard for employers to enable and support their employees who are or are planning to breastfeed.

Thank you for consideration,

Maria Padin, MD
Chief Medical Officer
Dartmouth-Hitchcock Medical Center

[Faint, illegible text, likely bleed-through from the reverse side of the page]

¹ Breastfeeding: Surgeon General's Call to Action Fact Sheet. www.hhs.gov/surgeongeneral/report-and-publications.breastfeeding/factsheet/index.html. 2011

SB 618

Senate Commerce Committee

January 22, 2020

State House Room 100 – 1:15 pm

Good Afternoon Senator Cavanaugh and members of the Committee – Thank you for taking my testimony.

My name is Donna Hosmer. I'm a resident of Laconia and the mother of 4 teenagers, all of whom were breastfed. I'm also a business owner in that my family owns AutoServ, an auto dealership in Tilton as well as I'm a partner in a manufacturing plant in Lancaster. Between these two businesses, my family and I employ nearly 300 people.

I am here to speak in strong support of SB 618, a bill designed to support nursing mothers returning to work. Current breastfeeding legislation put forth by the Affordable Care Act only covers hourly employees, leaving a gap of 1 in 4 women not covered by this policy in New Hampshire. New Hampshire is the only state in New England without its own workplace breastfeeding legislation.

SB 618 would require all employers to accommodate reasonable time and space for all nursing mothers who wish to express milk during their workday. This is important because it not only supports mothers, but also families as their dynamics change and mothers make their transition back to work.

As a business owner and industry leader, I'm sensitive to mandates that are often well intentioned; but ultimately, unnecessarily inhibit small businesses. I believe the legislature should exercise great discretion when considering mandates and only do so when there's a compelling overriding consideration. SB 618 is an opportunity to pass legislation that supports women returning to work, supports the healthiest option for children and puts NH on par with other New England states who've already recognized the importance of this issue.

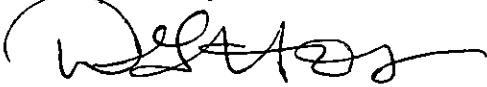
Last year my dealership participated in a grant program and received an award to help us create a really neat space for employee and customer lactation – see photos. We are very proud of the space we created. Though we had long before created a designated private space for this purpose, this grant allowed us to build out something extra special. We jumped at the prospect of championing this initiative when my friend Joyce Kelly, who is chair of the New Hampshire Breastfeeding Task Force, 1st presented it to us because it resonates with me as a mother who nursed, and was consistent with our corporate culture to be family friendly and always looking for ways to empower women to succeed.

Personally, I struggled a lot with nursing but I didn't have to face obstacles at work or from a supervisor who didn't understand. A key point Joyce Kelly had made to me about being more visual in our promotion of our private lactation space, was "when women encounter barriers to nursing at work, it's more likely that they'll give up." Giving up because of work pressure can be very painful for mothers who wish to give their children the best possible start. It can even discourage women from returning to work. I know full well I wouldn't have achieved the nursing success I had with my children, overcoming many struggles to nursing, had I not had good people helping me and encouraging me to succeed. I do know that eliminating barriers really does contribute to a mother's success here.

SB - 618 will provide support for nursing mothers in the workplace and foster the growth of healthy families throughout New Hampshire and the growth of business as more mothers return to work knowing they can still nurse and work.

For these reasons, I ask for your support and I'm happy to take any questions.

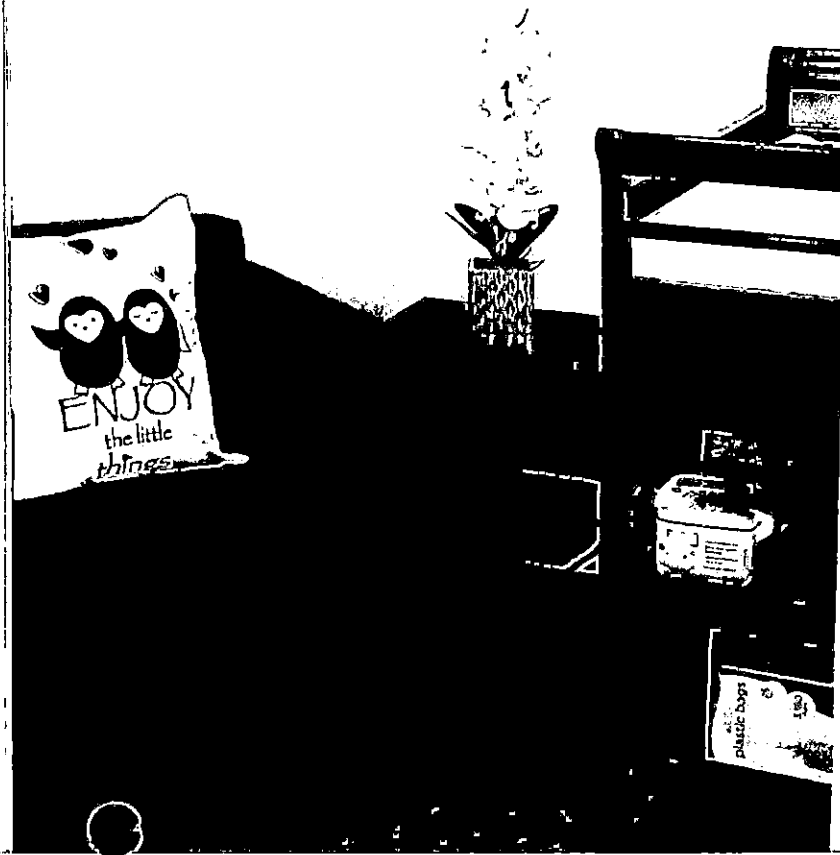
Respectfully submitted,



Donna Gaudet Hosmer



LACTATION LOUNGE



I LOVE YOU
this much



January 20, 2020

The Honorable Chair, Kevin Cavanaugh
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

Re: SB 618 – requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Honorable Chair and Committee Members,

I write in strong support of SB 618 requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. Workplace lactation support is important for nursing mothers when returning to work after having a child. Providing workplace support for nursing mothers is good for working mothers and New Hampshire's workforce. These supports allow nursing mothers to return to their workplace and continue nursing their infant to provide the best nutrition for their developing child. This is important to New Hampshire's workforce because it provides a \$3:1 return on investment. Employers experience reduced absenteeism, reduced turnover and increase staff morale and job satisfaction when offering a lactation support program onsite.

Not long ago, I returned to work after the birth of my first child. I was incredibly lucky in that I had a private, comfortable office I could easily utilize for pumping if needed. Many do not understand the time and effort involved in nursing and/or pumping as a new mother; it is not always quick, and not always easy. My own personal experience made me realize that I was lucky simply based on my job and office location. Others, within my own company, did not have the same easy accessibility as I. As an employer, we would work with mothers to find a space when it was needed, but we could do more.

In an effort to improve our own workplace breastfeeding policies, in collaboration with Keene State College's Public Health faculty and the Centers for Disease Control, Lakes Region Community Services participated in The Lactation Project. In cooperation with the NH Department of Health and Human Services, Division of Public Health Services and with funding from the Center for Disease Control and Prevention, we were able to create a private, comfortable, and easily accessible space for nursing mothers.

The feedback we received was immediate and powerful: mothers returning to work, or planning to start a family in the future, felt recognized and appreciated. As a large workforce, we continue to identify barriers and increase our efforts to support these women.

Because health matters to employers too it makes good business sense for employers to pay attention to employee health. Flexible programs can be designed to meet the needs of both the employer and employee. It's a win-win solution, I urge the Committee to recommend the bill ought to pass.

Respectfully submitted,

Joleen Welford
Director of Employee Relations
Lakes Region Community Services, Region III
(603) 524-8811 ext. 1522
Joleen.welford@lracs.org

Implement the Workplace Accommodations for Nursing Mothers (SB618): From best practice to state policy in New Hampshire

Breastfeeding benefits babies, moms and companies. Returning to work and lack of employer accommodations are reasons for stopping breastfeeding before one year. Many states have passed legislation to boost breastfeeding rates and gain the financial rewards that come with investing in a comprehensive lactation support program. **It is a WIN-WIN solution.**

Companies that invest in workplace lactation programs (i.e. written policy, dedicated private space and flexible break time) experience a **significant return on investment**. For every \$1 invested in a comprehensive lactation program there is a \$3 ROI.¹

Comprehensive workplace lactation programs increase breastfeeding among working mothers who are planning to breastfeed.²

Less than 50 percent of U.S. workplaces provide workplace lactation programs.³

Breastfeeding protects babies and children from a host of **acute and chronic diseases**.⁴

Employers benefit from supporting breastfeeding in the workplace through **reduced absenteeism, reduced turnover and improved staff morale**.¹

Employed mothers who breastfeed incur **lower healthcare costs** for themselves and their infant compared to non-breastfeeding mothers.⁵

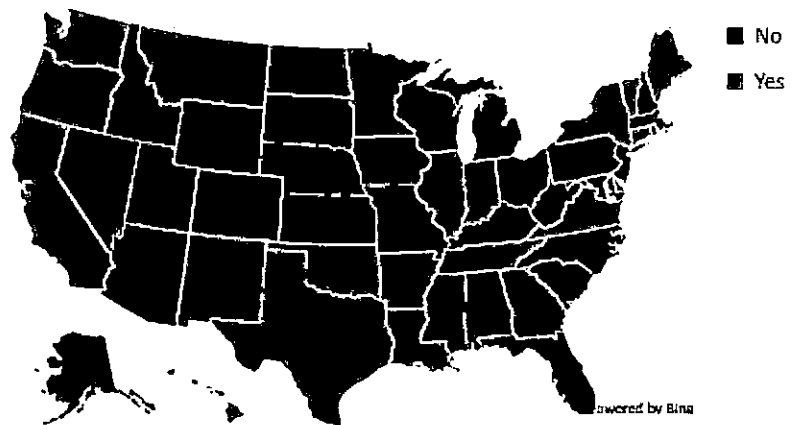
The **federal Break Time for Nursing Mothers law provides limited coverage** and excludes a large sector of employed mothers, including teachers.⁶

Twenty-nine states have legislation related to workplace accommodations for nursing mothers (2019).⁷

States with legislation* related to workplace accommodations for nursing mothers have **higher breastfeeding rates** compared to states without legislation in 2015 (Lissa Sirois, MPH thesis, The Dartmouth Institute).

NH could save more than \$8 million dollars annually if 90 percent of mothers breastfed through the first year.⁸

Workplace Legislation by State, 2015*



For more information contact New Hampshire Breastfeeding Task Force
nhbreastfeeding@gmail.com

1. Business Case for Breastfeeding | womenshealth.gov.
<https://www.womenshealth.gov/breastfeeding/breastfeeding-home-work-and-public/breastfeeding-and-going-back-work/business-case>. Accessed September 16, 2018.
2. Mirkovic KR, Perrine CG, Scanlon KS, Grummer-Strawn LM. In the United States, a Mother's Plans for Infant Feeding Are Associated with Her Plans for Employment. *J Hum Lact*. 2014;30(3):292-297. doi:10.1177/0890334414535665
3. Wessels K, Robinson S, Popa A. 2018 Employee Benefits: The Evolution of Benefits. 2018. doi:<http://dx.doi.org/10.1016/j.agee.2011.12.007>
4. Statement P. Breastfeeding and the Use of Human Milk. *Pediatrics*. 2012;129(3):e827-e841. doi:10.1542/peds.2011-3552
5. Bartick M, Reinhold A. The Burden of Suboptimal Breastfeeding in the United States: A Pediatric Cost Analysis. *Pediatrics*. 2010;125(5):e1048-e1056. doi:10.1542/peds.2009-1616
6. Labor UD of W and HD. Fact Sheet # 73 : Break Time for Nursing Mothers under the FLSA. 2013;(August). <http://www.dol.gov/whd/regs/compliance/whdfs73.pdf>.
7. Breastfeeding State Laws. <http://www.ncsl.org/research/health/breastfeeding-state-laws.aspx>. Accessed October 29, 2019.
8. USBC : Calculator. <http://www.usbreastfeeding.org/p/cm/ld/fid=438>. Accessed March 15, 2019.

For more information contact New Hampshire Breastfeeding Task Force
nhbreastfeeding@gmail.com

January 22, 2020

The Honorable Chair, Kevin Cavanaugh
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

RE: SB 618- requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Chairman Cavanaugh and Members of the Committee:

New Futures appreciates the opportunity to testify in favor of SB 618, re requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. New Futures is a nonpartisan, nonprofit organization that advocates, educates and collaborates to improve the health and wellness of all New Hampshire residents. As New Hampshire's authorized Kids Count organization, New Futures also advocates for data-based policies that support Granite State families.

New Futures supports SB 618 because it not only promotes positive child health outcomes but also supports working mothers¹. 62.7% of New Hampshire's women are in the workforce². Access to a lactation room not only increases breastfeeding rates but has been shown to benefit employers by reducing absenteeism and staff turnover³. Given New Hampshire's workforce issues, attention should be paid to all policies which support workforce retention.

For these reasons, New Futures urges the committee to vote SB618 ought to pass.

Respectfully submitted,



Rebecca Woitkowski, Esq.
Kids Count Policy Coordinator

¹ <https://pediatrics.aappublications.org/content/129/3/e827>

² <https://statusofwomendata.org/explore-the-data/state-data/new-hampshire/#employment-earnings>

³ <https://www.womenshealth.gov/breastfeeding/breastfeeding-home-work-and-public/breastfeeding-and-going-back-work/business-case>

MomsRising.org

Testimony to Senate Commerce
Christina D'Allesandro, MomsRising
January 21, 2020

Thank you Chairman Cavanaugh and members of the Commerce Committee for allowing me to testify. My name is Christina D'Allesandro and I represent MomsRising, a grassroots organization representing 10,000 moms, dads, and family members across New Hampshire.

We are here today in strong support of SB 618, which will support Nursing Mothers in the Workplace.

This bill will increase support for working mothers by providing adequate time to pump and help employers with a tax benefit to invest in the spaces that will make pumping not only possible but a positive and normal experience. This bill supports parents to make their choices on how they want to feed their children.

Pumping mothers are the reality in many workspaces. With many parents lacking access to paid leave, half of all mothers return to work within three months, and nearly one in four women already return to work within 2 weeks of giving birth.¹ These women return to work out of financial necessity, not by choice. While current federal law requires employers to provide reasonable break time and a private, non-bathroom space for breastfeeding employees to pump, a study from Minnesota found that 60% of mothers are not covered and therefore do not have access to adequate accommodations in the workplace to support feeding choice.²

As a mother myself, I can tell you from personal experience that pumping is a lonely and often stressful experience. Finding a location that is clean, safe, private and conducive to pumping is often not the reality. MomsRising recently conducted a campaign to promote the need for more spaces for moms to safely breastfeed. This campaign called #IPumpedHere. asked women across the country submit photos of the places they had to pump. These included bathrooms, conference rooms and closets.

Support for this bill is not radical nor controversial. Similar legislation has been passed in 29 other states - this bill is in the best interest of women, the best interest of babies and is simply good public policy.

Thank you.

¹ The shocking number of new moms who return to work two weeks after childbirth

² Access to Workplace Accommodations to Support Breastfeeding after Passage of the Affordable Care Act.

New Hampshire Breastfeeding Task Force
PO Box 3914
Concord, NH 03302

nhbreastfeeding@gmail.com

January 22, 2020

To the Honorable Senate Commerce Committee Chairman Cavanaugh and Commerce Committee Members:

Thank you Chairman Cavanaugh and Committee Members for your thoughtful consideration of Senate Bill 618 on protections and accommodations for breastfeeding employees returning to work after the birth of their baby.

Background and need for NH Senate bill 618:

- **Closing the Gap:** The federal Breaktime for Nursing Mothers Act passed in 2010 as part of the Affordable Care Act provided accommodations of time and space to express milk for employees covered under the Fair Labor Standards Act (FLSA), which covers primarily hourly wage workers for up to one year after the birth of their baby. This law does not cover salaried workers such as teachers and others and leaves them out of protections that are afforded to employees classified under the FLSA.
- **Breastmilk is optimal nutrition:** All major health organizations in the United States (American Academy of Pediatrics/US CDC: Centers for Disease Control) and world (Academy of Breastfeeding Medicine/World Health Organization/UNICEF) support the practice of providing breastmilk as primary source of nutrition for infants to improve health outcomes and address the chronic disease burdens of obesity and overweight, diabetes, and heart disease which consume the majority of health care expenditures.
- **NH is falling behind:** New Hampshire is the only New England state to not have a more comprehensive breastfeeding law to cover employees returning to work needing to express milk during the workday and who are not covered under the FLSA.

Supporting information:

- **8 out of 10 NH moms are breastfeeding:** Approximately 8 out of 10 mothers initiate breastfeeding in NH. Only 4 out of 10 mothers are still breastfeeding at age 1 year in NH. This bill would increase protections for those workers not covered under the FLSA and will improve breastfeeding rates at the one-year mark as well as increased rates of duration of breastfeeding.
- **\$3:1 ROI:** Womenshealth.gov indicates that there is a return on investment of \$3 for every \$1 spent on lactation accommodations for employees needing them. There is also reduced turnover, less employee absenteeism, and increased employee satisfaction in workplaces that provide lactation accommodations.
- **Workforce recruitment & retention:** In a tight labor market, improving family-friendly business practices, such as in SB 618, can improve worker recruitment and retention resulting in an improved bottom line for businesses.

Summary:

- **Win-Win:** This bill is not overly complex and addresses a gap in protections for a class of workers, in particular teachers and other salaried workers and presents a fair and commonsense remedy to this gap.
- **Employer Tax Credit:** the addition of a tax credit for employers indicates a commitment to employers and NH families.

January 20, 2020

The Honorable Chair, Kevin Cavanaugh
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

Re: SB 618 – requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Honorable Chair and Committee Members,

As the director of one of the state's leading providers of breast pumps obtained through health insurance and Medicaid programs, I write in strong support of SB 618 requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. Workplace lactation support is important for nursing mothers when returning to work after having a child. Providing workplace support for nursing mothers is good for working mothers and New Hampshire's workforce. These supports allow nursing mothers to return to their workplace and continue nursing their infant to provide the best nutrition for their developing child. This is important to New Hampshire's workforce because it provides a \$3:1 return on investment. Employers experience reduced absenteeism, reduced turnover and increase staff morale and job satisfaction when offering a lactation support program onsite.

Because health matters to employers too it makes good business sense for employers to pay attention to employee health. Flexible programs can be designed to meet the needs of both the employer and employee. It's a win-win solution, I urge the Committee to recommend the amendment ought to pass.

Warmest regards,



Jason A. Canzano
Managing Director
Acelleron, a health and wellness company
170 Commerce Way, Suite 200
Portsmouth, NH 03801

January 20, 2020

The Honorable Chair, Kevin Cavanaugh

Senate Commerce Committee

Legislative Office Building

Concord, NH 03301

Re: SB 618 -- requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Honorable Chair and Committee Members,

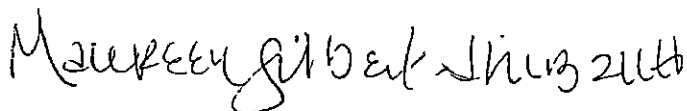
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I am a Registered Nurse and Lactation Consultant with over 20 years experience in Pediatric Nursing and Lactation. My Lactation experience covers both inpatient and outpatient Lactation care. During this time I have received innumerable phone calls and seen many mothers who return to work experience a either a decrease in milk supply or experience medical complications as a result of being unable to pump during the work day. Enacting SB 618 can significantly reduce the numbers of women affected by these issues and improve employee time on the job while maintaining successful businesses.

Because health matters to employers too it makes good business sense for employers to pay attention to employee health. Flexible programs can be designed to meet the needs of both the employer and employee. It's a win-win solution, I urge the Committee to recommend the amendment ought to pass.

Respectfully submitted,

Maureen Gilbert-Thibault RN, M.Ed., IBCLC

A handwritten signature in black ink that reads "Maureen Gilbert-Thibault". The signature is written in a cursive, flowing style.

January 20, 2020

The Honorable Chair, Kevin Cavanaugh
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

Re: SB 618 – requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Honorable Chair and Committee Members,

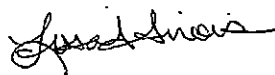
I write in strong support of SB 618 requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. I was fortunate to have a supportive employer with both of my children which allowed me to reach my breastfeeding goal and nurse through the first year of their life. Today I have two healthy daughters, 14 years old and 11 years old, and a thriving career in public health. I know having a supportive work environment, a safe and sanitary space and reasonable time to pump breast milk at work made the difference!

I recently graduated with my Masters of Public Health from The Dartmouth Institute, Dartmouth College. I dedicated my graduate work to investigating the role of state legislation on breastfeeding initiation and duration. States that had legislation related to workplace accommodations by 2015 had higher breastfeeding rates compared to states without workplace related legislation. Most notably there was a significant difference at 6 months and 12 months postpartum.

Providing workplace support for nursing mothers is good for working mothers and New Hampshire's workforce; it's a win-win solution. These supports allow nursing mothers to return to their workplace and continue expressing milk for their infant in order to provide the best nutrition for their developing infant. This is important to New Hampshire's workforce because it provides a \$3:1 return on investment. Employers experience reduced absenteeism, reduced turnover and increased staff morale and job satisfaction among their working mothers when offering a lactation support program onsite. In addition there are health benefits for the mother and infant, which can result in reduced healthcare costs for the employer.

Recruiting and retaining high quality employees benefits NH's workforce and growing healthy families is a priority for every mother. This fair and reasonable bill is a win-win solution, I urge the Committee to support this bill and recommend it ought to pass.

Respectfully submitted,



Lissa A. Sirois, MPH, RD, IBCLC



*New Life
Midwifery Service*

124 Winona Road, Meredith, NH 03253
603-279-4197 •

January 21, 2020

**The Honorable Chair, Kevin Cavanaugh
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301**

Re: SB 618 – requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.


Dear Honorable Chair and Committee Members,

I write in strong support of SB618. I am a New Hampshire Certified Midwife. I serve many families in NH and am witness to some of their struggles to continue to breastfeed their children when the time comes to return to work. I have listen to many parents tell me about pumping breastmilk in their car while on break or while driving to and from work. Employers can do better by providing “access to a sufficient space for nursing mothers and reasonable break time”.

In my professional opinion breastmilk has been proven to have multiple health benefits for both breastfeeding parents and their children. I believe that this action will be a win-win for both working parents and their employers.

This bill may improve the employees’ morale and job satisfaction when offered flexibility to meet their lactation needs. The employer may benefit from their workforce being more consistent, less turnover and potential better health of their workforce.

I support this bill and hope the Committee will recommend the amendment out to pass.

Sincerely, 
Sherry A. Stevens, CPM, NHCM

January 20, 2020

The Honorable Chair, Kevin Cavanaugh
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

Re: SB 618 – requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Honorable Chair and Committee Members,

I write in strong support of SB 618 requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. Workplace lactation support is important for nursing mothers when returning to work after having a child. Providing workplace support for nursing mothers is good for working mothers and New Hampshire's workforce. These supports allow nursing mothers to return to their workplace and continue nursing their infant to provide the best nutrition for their developing child. This is important to New Hampshire's workforce because it provides a \$3:1 return on investment. Employers experience reduced absenteeism, reduced turnover and increase staff morale and job satisfaction when offering a lactation support program onsite.

I am not a mother, but I hope to be someday. My best friend became a mother in February 2019 to a healthy baby boy. I recall her sharing the challenges she faced when going back to work. Not only was she struggling to be separated from her child for the first time, but on top of that she had to worry about when and where she would be able to pump. The only "suitable" place was a conference room with no lock, meaning that a colleague could accidentally walk in on her any time. When she moved to a new job later that year, she had to wait a week before her HR department unlocked the room that was supposed to be designated for nursing mother. When it comes time for me to be a mother, I hope that I can enter my workplace with confidence that I don't have to face the same challenges that my best friend did. I hope that I can rely on my workplace to provide a sufficient space for me to nurse safely and without shame.

Because health matters to employers too it makes good business sense for employers to pay attention to employee health. Flexible programs can be designed to meet the needs of both the employer and employee. It's a win-win solution, I urge the Committee to recommend the amendment ought to pass.

Respectfully submitted,

Chantal Harp

January 20, 2020

The Honorable Chair, Kevin Cavanaugh
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

Re: SB 618 -- requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Honorable Chair and Committee Members,

I write in strong support of SB 618 requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. Workplace lactation support is so important for nursing mothers when returning to work after having a child. Providing workplace support for nursing mothers is good for working mothers, their infants and families, New Hampshire's workforce, and employers. These supports allow nursing mothers to return to their workplace and continue nursing their infant to provide the best nutrition for their developing child. This is important to New Hampshire's workforce because it provides a \$3:1 return on investment. Employers experience reduced absenteeism (most notably due to decreased maternal/infant illness), reduced turnover and increased staff morale and job satisfaction when offering a lactation support program onsite.

Although often employers and schools recognize the benefits of breastfeeding, space to breastfeed and or pump one's breastmilk is often delegated to the bathroom (my own personal experience as a mother pumping my breastmilk when I was in medical school), and/or in a location far from an individual's work space requiring them to spend much of their break time walking across a building to find a quiet, private place to pump or breastfeed. Although this provides additional exercise, it promotes stress in the mother related to decreased time available to pump and this stress often can impact milk let down and milk supply.

Because health matters to employers too it makes good business sense for employers to pay attention to employee health. Flexible programs can be designed to meet the needs of both the employer and employee. It's a win-win solution, I urge the Committee to recommend the amendment ought to pass.

Respectfully submitted,

B. Whalen, MD

Bonny Whalen, MD
Newborn Hospitalist, Children's Hospital at Dartmouth-Hitchcock
Assistant Professor of Pediatrics, Geisel School of Medicine at Dartmouth-Hitchcock

January 20, 2020

The Honorable Chair, Kevin Cavanaugh

Senate Commerce Committee

Legislative Office Building

Concord, NH 03301

Re: SB 618 – requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Honorable Chair and Committee Members,

I write in strong support of SB 618 requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. Workplace lactation support is important for nursing mothers when returning to work after having a child. Providing workplace support for nursing mothers is good for working mothers and New Hampshire's workforce. These supports allow nursing mothers to return to their workplace and continue nursing their infant to provide the best nutrition for their developing child. This is important to New Hampshire's workforce because it provides a \$3:1 return on investment. Employers experience reduced absenteeism, reduced turnover and increase staff morale and job satisfaction when offering a lactation support program onsite.

It is hard to describe all the feelings involved with being a new mom. One minute it feels like your heart will explode with love for your new baby and the next moment you are overwhelmed by the crushing pressure of having someone depend on you for their survival. Compounding this picture is the doubt and pressure you feel when you are a breastfeeding mom and your little one relies on you alone for their sustenance.

In 2011, when my first daughter, Bryn, was born, I felt all of this. Though I had taken all the baby care and breastfeeding classes, there is really nothing that can quite simulate what your life will be like after your baby is born.

When Bryn was 2 weeks old, I took her to the office. She ended up sleeping most of the time, but near the end of my visit, she awoke crying. I realized I hadn't really thought about where I would change her or nurse her and it made me feel a little panicky. My company vice president came up at just that moment and casually offered up her office for me to nurse the baby. I was so touched because in one simple kindness, she had normalized me as a first-time, breastfeeding mom. She made me feel like I was supported in my feeding choice and that being at the office didn't change that.

January 21, 2020

The Honorable Chair, Kevin Cavanaugh
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

Re: SB 618 – requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Honorable Chair and Committee Members,

I write in strong support of SB 618 which requires employers to provide access to a sufficient space for nursing mothers and reasonable break time. The lack of supportive workplace policies deprives parents and newborns of the invaluable health effects of breastfeeding. Interware Development recognizes the importance of supporting mothers who choose to breastfeed and the health benefits for both the mother and child. Breastfeeding is recommended by all major medical organizations as the optimal way to feed infants because of its significant health advantages. Breastfeeding also provides health benefits for mothers as it helps speed recovery time from pregnancy and can lower their risk for breast cancer and other ailments.

Speaking from personal experience, as the mother of 3 children, I nursed and expressed milk while I was working. As a new mom, you are already feeling guilty for returning to work. As an employer, a small commitment from a company can go a long way. No one who chooses to breastfeed should have to worry about access to a clean, private space to pump milk, and no one should have to fear negative consequences at work just to feed their baby. As an employer, I feel that it is important to provide a private and secure room for our valued employees to breastfeed.

Interware is very fortunate to be the recipient of a grant from New Hampshire Department of Health and Human Services, Division of Public Health Services. This grant was facilitated by Keene State College. Keene State was instrumental in educating key employees about how we as a company can embrace and support new mothers coming back to work. With the help of the grant, Interware designed a clean, private space to allow employees to comfortably pump and care for their newborn without interruption.

We are proud to be an employer who supports a healthy environment and have fully embraced, with company policies and employee education, working mothers so they can feel good about coming back to work and continue to provide the nutritious benefits breast milk provides their newborn babies.

The health of our employees and their families is important to Interware. We have demonstrated this importance over the many years we have been in business and are rewarded with employees who care about our mission and our customers. We have many employees that have been working with us for years with an extremely low turnover rate. Interware will continue to seek opportunities to include healthy options for our valued employees.

Interware is an example of how a flexible program can be designed to meet the needs of both the employer and employee. It's a win-win solution, I urge the Committee to recommend the amendment ought to pass.

Respectfully submitted,

Sandra J. Rowe

President, Interware Development Company, Inc.
Amherst, NH

January 20, 2020

The Honorable Chair, Kevin Cavanaugh
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

Re: SB 618 – requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Honorable Chair and Committee Members,

I write in strong support of SB 618 requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. Workplace lactation support is important for nursing mothers when returning to work after having a child. Providing workplace support for nursing mothers is good for working mothers and New Hampshire's workforce. These supports allow nursing mothers to return to their workplace and continue nursing their infant to provide the best nutrition for their developing child. This is important to New Hampshire's workforce because it provides a \$3:1 return on investment. Employers experience reduced absenteeism, reduced turnover and increase staff morale and job satisfaction when offering a lactation support program onsite.

Before I went out on maternity leave I had discussed with my supervisor my plans to breastfeed my child and that I would need a space to pump upon my return to work after 12 weeks. A plan was put in place and a location was secured. Upon my return to work after the birth of my son in 2019 I spoke to my supervisor and was told that the space I was originally going to use was no longer available and that I could pump in the conference room in our office suite. The conference room has windows, no lock on the door and is often used for meetings and is not a reliable space for pumping. When I brought up my concerns to my supervisor I was told that I could use the storage closet. I then had to take it upon myself to clean the storage closet, and find a chair and a lamp, in an attempt to make the space as comfortable as it could be. It was hot, and the closet smelled like cardboard. I dreaded having to use that space. I then found out through the human resources department at my work that there was the possibility of an empty office two floors up that I could use as a lactation space. Having to take my work and my pump two floors up three times a day was not ideal but it was a much better option than continuing to pump in the closet.

Those first few months back from maternity leave are hard on a mother. You not only have just gone through some major physical changes but emotionally you are trying to navigate life as a new mom and it is hard. Then when you add in the stress of trying to manage life as a working mom while also trying to continue to produce milk to feed your child, it's insane. Without adequate lactation time and space there is no way I would be able to continue to be the best mom and employee that I could be. My son is now almost a year old and we are still breastfeeding, and it has taught me a lot about myself and what I am capable of. New Hampshire needs to do a better job supporting moms.

From: **Kayla F Guarino** <kguarino@covh.org>
Date: Fri, Jan 17, 2020, 4:21 PM
Subject: Breastfeeding
To: andreaKackerson@gmail.com <andreaKackerson@gmail.com>

Hi there,

My name is Kayla Guarino and I am a pediatric nurse at St Joseph's Nashua Pediatrics. I am also a former breastfeeding mom. I have two little girls and I breastfed them both exclusively for 13 months. I went back to work at 4 months with both of them and had two different experiences because I had worked at two different places. The first place I worked was internal medicine and it made it very challenging to go back to work and have up pump there. I always felt like I was an inconvenience and was taking up space that they needed when I had to go pump. They would act like they supported it in the beginning but then they very quickly got annoyed when I continued with it until my first daughter was 13 months. I would pump every day at 10am and 2pm. I specifically remember wanted to give up at one point due to all the looks and eye rolls I got every time I had to get up to pump but then I thought about it and I refused to let someone make me feel guilty about feeding my daughter. The second time around was a little bit easier for me because I had great support. Now, let me add that there is nothing easy about being a mom that exclusively breastfeeds and has to pump at work. Being a mom is one of the hardest but most amazing thing I have ever done and adding exclusively breastfeeding in there...it was a challenge to say the least. Anyway, with my second daughter it was much easier for me because I had the support of others at work and they did not roll their eyes, get annoyed, or say things to make me feel like I was in inconvenience. My breastfeeding experience the second time was much more positive but it did have it's challenges as well. The people I work with were great but I still had to find a difference place to pump everyday that was not being used and hope that I wasn't taking too long that people were waiting on me to use that room. I also felt like finding coverage was not always easy and at times found people being very frustrated. Not at me but the situation. I did want to give up again with the second one for the same reasons but I refused to give up. I had so much more support the second time and it was my second time breastfeeding so I saw all the benefits and the differences it made in my first daughter so I continues with it and ended up nursing her for 13 months as well. I would love for things to change and for woman to not feeling guilty or bad about feeding their babies. This has to change. We are doing what is best for our babies and we should have support while doing it. I have so many friends that have quit for the simple fact that they felt like they were annoying people or letting people down at work and it is just so wrong. We should be praised for what we are doing not punished! It ridiculous. I really hope me taking the time to write this letter helps. Even if just other moms can read this and feel like they are not alone and they are doing the right thing and should not care what other people are saying! They are feeding their babies the best nutritious they can have. I really hope whoever is reading this has the power to make a difference for all the moms out there that feel alone and afraid to speak up. I know we have come a long way in the breastfeeding world but we still have a long way to go.

I hope this helps you make the right decisions and thank you for you time and consideration

Sincerely,
Kayla Guarino



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH SERVICES

Lori A. Shibinette
Commissioner

Lisa M. Morris
Director

29 HAZEN DRIVE, CONCORD, NH 03301
603-271-4501 1-800-852-3345 Ext. 4501
Fax: 603-271-4827 TDD Access: 1-800-735-2964
www.dhhs.nh.gov

February 4, 2020

Senator Kevin Cavanaugh, Chair
Senate Commerce Committee
State House, Room 100
Concord, New Hampshire 03301

Re: Public health information in response to SB 618; requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Senator Cavanaugh and Members of the Senate Commerce Committee:

The Department of Health and Human Services, Division of Public Health Services (DPHS) is providing information on Senate Bill 618, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. The health effects of breastfeeding are well recognized in the United States. One of the most highly effective preventive measures a mother can take to protect the health of her infant and herself is to breastfeed. Breastfeeding protects against a variety of diseases and conditions in the infant such as diarrhea, respiratory tract infection, necrotizing enterocolitis, ear infections, type 1 and type 2 diabetes and childhood overweight and obesity. There are also maternal health benefits to breastfeeding such as decreased risk of breast and ovarian cancers¹.

Greater than eighty-seven percent of New Hampshire women initiate breastfeeding after delivery, but only forty-five percent continue to breastfeed through the first year, as recommended by the American Academy of Pediatrics². The percentage of women in the US workforce has increased over the last century. In NH, more than sixty-three percent of the civil labor force (employed individuals) is female³. While employed mothers in the US have lower initiation rates and shorter duration of breastfeeding, studies have found higher rates of initiation and duration in women who have breastfeeding support programs in the workplace⁴. In 2011, the US Department of Health and Human Services released The Surgeon General's Call to Action to Support Breastfeeding. The Call to Action describes steps to participate in a society-wide approach to supporting mothers and babies who are breastfeeding, including employers⁵.

The NH Department of Health and Human Services, Division of Public Health Services (DPHS) supports breastfeeding mothers and infants through its many public health programs. The programs include Women, Infants and Children (WIC) Nutrition Program, Breastfeeding Peer Counselor Programs, Chronic Disease Prevention Programs, Maternal and Child Health, Home Visiting Programs, Prenatal Program, Primary Care Services, and Child Health Programs. The DPHS employs an International Board Certified Lactation Consultant as well as two Certified Lactation Counselors to provide subject matter expertise for public health programs, as appropriate.

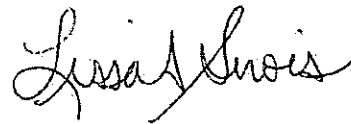
The DPHS has collaborated on multiple lactation initiatives over the past 5 years. The WIC Nutrition Program provides statewide breastfeeding peer counseling services to more than 1,500 women every month. Coordination

between WIC and the Maternal and Child Health programs has led to an impressive Center for Disease Control and Prevention (CDC) Breastfeeding Report Card score over the past few years with NH's breastfeeding initiation and duration rates well above the national average.

The DPHS developed a breastfeeding friendly childcare training, employer toolkit and recognition award, and has recognized more than fifteen licensed childcare providers over the past five years for supporting mothers and babies. Most recently, DPHS developed an online training and toolkit for employers to provide a comprehensive lactation program onsite and awarded a three-year grant to Keene State College to fund more than thirty small businesses to establish a lactation support program in 2017-2020. The DPHS staff, WIC Director and Chronic Disease Administrator have actively participated in the NH Lactation and Pregnancy Advisory Council, established by SB219, for the past three years.

Thank you for taking the time to review this information. If you have any questions, feel free to reach me at 603-271-0571 or via email at Lissa.Sirois@dhhs.nh.gov.

Sincerely,

A handwritten signature in cursive script that reads "Lissa A. Sirois".

Lissa A. Sirois, MPH, RD, IBCLC
Administrator
Nutrition Services Section

Voting Sheets

Senate Commerce Committee
EXECUTIVE SESSION RECORD
2019-2020 Session

Bill # SB 618-FN

Hearing date: 1/22/2020

Executive Session date: 2/19/2020

Motion of: Amendment (07548) Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Cavanaugh, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan, V- Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: STP - A Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Cavanaugh, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: CONSENT Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Cavanaugh, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan, V- Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morse	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Senator Cavanaugh
 Notes: _____

Senate Finance Committee

EXECUTIVE SESSION

None - 2nd Committee

Bill # SB618-FN

Hearing date: _____

Executive session date: 03/10/20

Motion of: Further Study

VOTE: ~~4-1~~ Feltes

<u>Made by</u> Kahn <input type="checkbox"/>	<u>Seconded</u> Kahn <input type="checkbox"/>	<u>Reported</u> Kahn <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input checked="" type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input checked="" type="checkbox"/>	Rosenwald <input checked="" type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input checked="" type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Feltes <input type="checkbox"/>	Feltes <input type="checkbox"/>	Feltes <input type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> Kahn <input type="checkbox"/>	<u>Seconded</u> Kahn <input type="checkbox"/>	<u>Reported</u> Kahn <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Feltes <input type="checkbox"/>	Feltes <input type="checkbox"/>	Feltes <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator D'Allesandro, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Feltes, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Kahn	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, February 26, 2020

THE COMMITTEE ON Commerce

to which was referred SB 618-FN

AN ACT

requiring employers to provide access to a
sufficient space for nursing mothers and reasonable
break time.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0780s

Senator Kevin Cavanaugh
For the Committee

This bill ensures that all employees are provided with reasonable break periods of no less than 30 minutes every 3 hours. It also requires businesses with more than 6 employees to provide a sufficient nursing space. These spaces don't have to be permanent and businesses can share spaces if they're near one another. Each fiscal year, a tax credit of up to \$5,000 will be available to any small business that pays the BET tax, so they can create nursing spaces. The committee amended the bill to address some technical concerns, such as allowing unused tax credits out of the \$250,000 allocated to be brought over to the next fiscal year. The amendment also clarifies that the tax credit provision is administered by the commissioner of the department of revenue.

Aaron Jones 271-1403

FOR THE CONSENT CALENDAR

COMMERCE

SB 618-FN, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Ought to Pass with Amendment, Vote 5-0.

Senator Kevin Cavanaugh for the committee.

This bill ensures that all employees are provided with reasonable break periods of no less than 30 minutes every 3 hours. It also requires businesses with more than 6 employees to provide a sufficient nursing space. These spaces don't have to be permanent and businesses can share spaces if they're near one another. Each fiscal year, a tax credit of up to \$5,000 will be available to any small business that pays the BET tax, so they can create nursing spaces. The committee amended the bill to address some technical concerns, such as allowing unused tax credits out of the \$250,000 allocated to be brought over to the next fiscal year. The amendment also clarifies that the tax credit provision is administered by the commissioner of the department of revenue.

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, March 11, 2020

THE COMMITTEE ON Finance

to which was referred **SB 618-FN**

AN ACT

requiring employers to provide access to a
sufficient space for nursing mothers and reasonable
break time.

Having considered the same, the committee recommends that the Bill

BE REFERRED TO INTERIM STUDY

BY A VOTE OF: 4-1

Senator John Reagan
For the Committee

Deb Martone 271-4980

Docket of SB618

Docket Abbreviations

Bill Title: requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Official Docket of SB618.:

Date	Body	Description
1/14/2020	S	Introduced 01/08/2020 and Referred to Commerce; SJ 2
1/16/2020	S	Hearing: 01/22/2020, Room 100, SH, 01:15 pm; SC 3
2/26/2020	S	Committee Report: Ought to Pass with Amendment #2020-0780s , 03/05/2020; Vote 5-0; CC; SC 9
3/5/2020	S	Sen. D'Allesandro moved to Refer to Finance Rule 4-5; 03/05/2020; SJ 5
3/5/2020	S	Committee Amendment #2020-0780s , AA, VV; 03/05/2020; SJ 5
3/5/2020	S	Ought to Pass with Amendment 2020-0780s, MA, VV; Refer to Finance Rule 4-5; 03/05/2020; SJ 5
3/11/2020	S	Committee Report: Referred to Interim Study SC 11
6/16/2020	S	Placed on Laid on Table Consent List and Laid on Table, MA, VV; 06/16/2020; SJ 8

NH House

NH Senate

General Court of New Hampshire - Bill Status System

Docket of SB618

Docket Abbreviations

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Official Docket of SB618.:

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3/5/2020	S	Committee Amendment #2020-0780s , AA, VV; 03/05/2020; SJ 5
3/5/2020	S	Ought to Pass with Amendment 2020-0780s, MA, VV; Refer to Finance Rule 4-5; 03/05/2020; SJ 5
3/11/2020	S	Committee Report: Referred to Interim Study SC 11
6/16/2020	S	Placed on Laid on Table Consent List and Laid on Table, MA, VV; 06/16/2020; SJ 8

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 618-FN

Senate Committee: FINANCE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____

- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Deb Martore
Committee Aide

07/08/20
Date

Senate Clerk's Office _____

Senate Inventory Checklist for Archives

Bill Number: SB 618-FN

Senate Committee: Commerce

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 0754S - amendment # _____
- amendment # 0780S - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- _____ - amendment # _____ - amendment # _____
- _____ - amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- _____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- _____ Enrolled Bill Amendment(s)
- _____ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate _____ as amended by the house
- _____ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Aaron Jones
Committee Aide

7/8/20
Date

Senate Clerk's Office _____