

LEGISLATIVE COMMITTEE MINUTES

SB69

Bill as Introduced

SB 69-FN - AS INTRODUCED

2021 SESSION

21-0861
04/11

SENATE BILL

69-FN

AN ACT

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

SPONSORS:

Sen. Whitley, Dist 15; Sen. Hennessey, Dist 1; Sen. Perkins Kwoka, Dist 21; Sen. Bradley, Dist 3; Sen. Cavanaugh, Dist 16; Sen. Soucy, Dist 18; Rep. McWilliams, Merr. 27; Rep. Wazir, Merr. 17; Rep. Marsh, Carr. 8; Rep. Abel, Graf. 13

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.

Explanation:

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

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

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 Mothers. Amend RSA 275 by inserting after
2 section 77 the following new subdivision:

3 Policies Relating to Nursing Mothers

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 approximately 30 minutes for
15 every 3 hours of work performed by a nursing employee for the purpose of expressing milk.

16 V. "Undue hardship" shall mean any action that requires significant difficulty or expense
17 when considered in relation to factors such as the size of the business, its financial resources and the
18 nature and structure of its operation.

19 275:79 Notification of Policies.

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

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

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

26 275:80 Sufficient Space.

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

SB 69-FN - AS INTRODUCED

- Page 2 -

1 II. The location of the space provided shall be within a reasonable walk of the employee's
2 worksite, unless otherwise mutually agreed to by the employer and employee.

3 III. Sufficient space provided in accordance with this section shall not be a bathroom, and
4 shall be a clean space shielded from view and free from intrusion from coworkers and the public.

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

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

8 275:81 Reasonable Break Period.

9 I. Every employer shall provide reasonable break periods to employees who need to express
10 milk for a child for a period of one year from the date of birth of the child. Nothing in this section
11 shall preclude an employer from negotiating with an employee reasonable break periods to express
12 milk differ from the requirements in this subdivision.

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

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

18 275:82 Penalties. Any employer who violates any provision of this subdivision shall be subject
19 to a civil penalty pursuant to RSA 273:11-a.

20 275:83 Hardship Exemption. An employer may be exempted from this subdivision if providing
21 reasonable break time and sufficient space for expressing milk would impose an undue hardship to
22 the employer's operations.

23 2 Effective Date. This act shall take effect 60 days after its passage.

**SB 69-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 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General Government Funds	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Various

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 Department of Administrative Services indicates the fiscal impact on State expenditures is indeterminable. The Department offered the following information concerning the potential fiscal impact:

- Many state buildings already include areas for private lactation needs for mothers.
- Existing buildings will meet this accommodation using existing space that will be converted or shared. As almost all rooms in state buildings have outlets, no new electrical work will need to be done in existing buildings. Chairs and furniture already owned by an agency would be used in the mothers' rooms located in existing buildings.
- When new construction takes place, an additional 50 square feet would be included for a mothers' room. The average construction costs for office buildings are \$175 per square foot. For newly constructed or outfitted office spaces, a new chair would be purchased at the cost of \$200. (50 square feet x \$175 plus \$200 = \$8,950)

- Occasionally no suitable space is available in an existing building and the requirement could be met using a lactation pod. The cost of commercial lactation pods is \$8,000 - \$25,000 depending on size and features.

The Department of Labor does not anticipate this bill would impact county or local revenues. The Department states it is possible there would be an indeterminable increase in state revenue as a result of the proposed fines. The Department indicates it is likely that there would be an indeterminable increase in state, county and local expenditures in relation to offering space and additional flexibility in staffing and/or scheduling. The Department states these potential costs cannot be predicted and are indeterminable. The Department does not anticipate it would need additional staff to undertake administration of this chapter.

The New Hampshire Municipal Association states the break period requirement is unlikely to affect municipal expenditures. The requirement to provide a separate space is likely to require additional expenditures for those workplaces that do not have an existing space or a space that can be converted easily. The bill provides that an employer may be exempted if providing sufficient space for expressing milk would impose an undue hardship to the employer's operations." However the Association indicates, it is uncertain how often such exemptions would be granted; and the need to spend significant money to comply may not necessarily be considered an "undue hardship to the employer's operations." Further, the legislation does not indicate who would be responsible for granting an exemption or how an employer would request an exemption. There will be no impact on municipal revenues.

The New Hampshire Association of Counties indicates that the counties already provide such accommodations and the bill would have no impact on county expenditures or revenue.

It is assumed that any fiscal impact would occur after July 1, 2021

AGENCIES CONTACTED:

Department of Administrative Services and Labor, New Hampshire Municipal Association and New Hampshire Association of Counties

SB 69-FN - AS AMENDED BY THE SENATE

02/04/2021 0111s

2021 SESSION

21-0861

04/11

SENATE BILL **69-FN**

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

SPONSORS: Sen. Whitley, Dist 15; Sen. Hennessey, Dist 1; Sen. Perkins Kwoka, Dist 21; Sen. Bradley, Dist 3; Sen. Cavanaugh, Dist 16; Sen. Soucy, Dist 18; Rep. McWilliams, Merr. 27; Rep. Wazir, Merr. 17; Rep. Marsh, Carr. 8; Rep. Abel, Graf. 13

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16 when considered in relation to factors such as the size of the business, its financial resources and the
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30 worksite, unless otherwise mutually agreed to by the employer and employee.

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2 shall be a clean space shielded from view and free from intrusion from coworkers and the public.

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4 available when requested to comply with the requirements set forth in this subdivision.

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21 2 Effective Date. This act shall take effect 60 days after its passage.

SB 69-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2021-0111s)

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

FISCAL IMPACT: State County Local None

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- Many state buildings already include areas for private lactation needs for mothers.
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- When new construction takes place, an additional 50 square feet would be included for a mothers' room. The average construction costs for office buildings are \$175 per square foot. For newly constructed or outfitted office spaces, a new chair would be purchased at the cost of \$200. (50 square feet x \$175 plus \$200 = \$8,950)
- Occasionally no suitable space is available in an existing building and the requirement could be met using a lactation pod. The cost of commercial lactation pods is \$8,000 -

\$25,000 depending on size and features.

The Department of Labor does not anticipate this bill would impact county or local revenues. The Department states it is possible there would be an indeterminable increase in state revenue as a result of the proposed fines. The Department indicates it is likely that there would be an indeterminable increase in state, county and local expenditures in relation to offering space and additional flexibility in staffing and/or scheduling. The Department states these potential costs cannot be predicted and are indeterminable. The Department does not anticipate it would need additional staff to undertake administration of this chapter.

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AGENCIES CONTACTED:

Department of Administrative Services and Labor, New Hampshire Municipal Association and New Hampshire Association of Counties

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AGENCIES CONTACTED:

Department of Administrative Services and Labor, New Hampshire Municipal Association and New Hampshire Association of Counties

Amendments

Sen. Soucy, Dist 18
Sen. Whitley, Dist 15
January 25, 2021
2021-0064s
04/11

Amendment to SB 69-FN

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

2

3 I. Every employer shall provide reasonable break periods to employees who need to express
4 milk for a child for a period of one year from the date of birth of the child. Nothing in this section
5 shall preclude an employer from negotiating with an employee reasonable break periods to express
6 milk that are different from the requirements in this subdivision.

UNAPPROVED

Commerce
January 26, 2021
2021-0111s
04/11

Amendment to SB 69-FN

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

2

3 I. Every employer shall provide reasonable break periods to employees who need to express
4 milk for a child for a period of one year from the date of birth of the child. Nothing in this section
5 shall preclude an employer from negotiating with an employee reasonable break periods to express
6 milk that are different from the requirements in this subdivision.

Committee Minutes

SENATE CALENDAR NOTICE
Commerce

Sen Harold French, Chair
Sen Bill Gannon, Vice Chair
Sen Jeb Bradley, Member
Sen Donna Soucy, Member
Sen Kevin Cavanaugh, Member

Date: January 20, 2021

HEARINGS

Tuesday	01/26/2021	
(Day)	(Date)	
Commerce	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 68	requiring an employer to provide reasonable accommodations for pregnant employees.
9:15 a.m.	SB 69-FN	requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.
9:30 a.m.	SB 61	prohibiting collective bargaining agreements that require employees to join a labor union.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/97183002309>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799, or 1-646-558-8656, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-9128
3. Or iPhone one-tap: 13017158592,,97183002309# or 13126266799,,97183002309#
4. Webinar ID: [971 8300 2309](https://www.zoom.us/j/97183002309)
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCiBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 68

Sen. Hennessey
Sen. Sherman
Sen. Whitley
Sen. Gray
Rep. DeSimone

Sen. Gannon
Sen. Ricciardi
Sen. Carson
Sen. Prentiss
Sen. Birdsell

Sen. Watters
Sen. Rosenwald
Sen. Perkins Kwoka
Rep. Marsh

Sen. D'Allesandro
Sen. Reagan
Sen. Bradley
Rep. Deshaies

SB 69-FN

Sen. Whitley
Sen. Cavanaugh
Rep. Marsh

Sen. Hennessey
Sen. Soucy
Rep. Abel

Sen. Perkins Kwoka
Rep. McWilliams

Sen. Bradley
Rep. Wazir

SB 61

Sen. Reagan
Sen. Bradley
Rep. McGuire

Sen. Gannon
Sen. Morse
Rep. Spillane

Sen. French
Sen. Daniels
Rep. A. Lekas

Sen. Gray
Rep. Marston

Aaron Jones 271-4063

Harold F. French
Chairman

Senate Commerce Committee

Aaron Jones 271-4063

SB 69-FN, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Hearing Date: January 26, 2021

Time Opened: 9:32 a.m.

Time Closed: 10:40 a.m.

Members of the Committee Present: Senators French, Gannon, Bradley, Soucy and Cavanaugh

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.

Sponsors:

Sen. Whitley

Sen. Hennessey

Sen. Perkins Kwoka

Sen. Bradley

Sen. Cavanaugh

Sen. Soucy

Rep. McWilliams

Rep. Wazir

Rep. Marsh

Rep. Abel

Who supports the bill: Senator Becky Whitley, Senator Rebecca Perkins Kwoka, Senator Erin Hennessey, Senator Sue Prentiss, Representative Latha Mangipudi, Representative William Marsh, Representative Safiya Wazir, Representative Laura Telerski, Representative Timothy Horrigan, Representative Alexis Simpson, Representative Rebecca McWilliams, Representative Amanda Toll, Representative Allison Nutting-Wong, Joyce Kelly, Donna Hosmer (Autoserv), Stephanie Lund, Dr. Melissa Scull (NH Medical Society), Dr. Jennifer Christiansen (NH Medical Society), Paula Oliveira (NH Breastfeeding Task Force), Rebecca Woitkowski (New Futures), Paula Minnehan (NH Hospital Association), Michael Padmore (NH Medical Society), Cynthia Johnson (NH Breastfeeding Task Force), Angela Shepard (NH Medical Society), Jeanne Hruska (ACLU-NH), Christina D'Allesandro (Mom's Rising), Ajhani Kesavan, Sahil Gupta, Helina Josephson, David Dellisola, Elizabeth Fenner, Lukaitis, Jennifer Frizzell (NH Women's Foundation), Dr. Marie-Elizabeth Ramas (NH Medical Society), Ann Hebert, Joanne Foster, Andrea Rutherford, Brian Hawkins (NEA-NH), Sherry Stevens, Amanda Sears (Campaign for a Family Friendly Economy), Doug Marino

Who opposes the bill: David Pelletier

Who is neutral on the bill: Lissa Sirois (DHHS, Division of Public Health Services), Lexie Rojas (NH DOL), Dave Juvet (BIA)

Summary of testimony presented in support:

Senator Becky Whitley

- Senator Whitley said being a working mother and having a family has never been more difficult as incomes remain stagnant and outdated workplace practices persist.
- This bill is a culmination of work done by Senator Martha Fuller Clark and other stakeholders over many years. Further, it's in response to the 25 percent of working women in New Hampshire that are excluded from existing federal breastfeeding protections.
- This bill would require employers to provide a sufficient space for nursing mothers. It also would provide nursing mothers with reasonable break times for the purpose of expressing milk during work hours.
- Thirty-two states, including all of New England with the exception of New Hampshire, have passed similar legislation to expand protections to nursing mothers excluded by federal law.
- Importantly, Senator Whitley said this bill would help keep women in the workforce in a time when New Hampshire is experiencing a workforce shortage.
 - According to the U.S. Bureau of Labor, women make up 63.9 percent of New Hampshire's civilian workforce.
 - Additionally, the New Hampshire Women's Foundation has found that about 66 percent of those workers have been classified as essential employees.
- Senator Whitley concluded that this bill would implement a uniquely New Hampshire solution to an existing problem. For example, other states require that all employers provide a sufficient space; however, this bill would only apply to employers with 6 or more employees, which is consistent with existing New Hampshire anti-discrimination laws.

Senator Rebecca Perkins Kwoka

- Senator Perkins Kwoka said that her and Senator Whitley worked together to ensure this bill provided as much flexibility as possible, while also accommodating nursing mothers in the workplace.
- From her own personal experience, Senator Perkins Kwoka said this bill would provide the opportunity for businesses to build loyalty and better relationships with their employees.
- Senator Perkins Kwoka clarified that this bill wouldn't exclude breastfeeding in the workplace if that were an agreement reached between an employee and employer.

Courtney Tanner, Director of Government Relations, Dartmouth-Hitchcock

- Ms. Tanner said Dartmouth-Hitchcock supported this bill as it's written.
- Dr. Maria Padin, a practicing OB-GYN physician at Dartmouth-Hitchcock, has shown that breastfeeding has benefits for both the mother and baby.
 - In infants, breastfeeding helps to protect against infectious diseases and sudden infant death syndrome.
 - In mothers, breastfeeding helps to lower the risk of diabetes, hypertension, and various forms of cancer.
- From personal experience, Ms. Tanner said she returned to work after 12 weeks and that the support of her employer made the transition back much easier. She said that in return for their support, she has never called out with a sick baby, which she has attributed to breastfeeding.
- Ms. Tanner concluded that this bill would make clear to young females and families that New Hampshire cares about them.
- **Senator French** asked if the Mamava Pod in the basement of the Legislative Office Building had been used.
 - **Ms. Tanner** replied absolutely.

Joyce Kelly, Chair of the New Hampshire Breastfeeding Task Force

- Currently, the federal Break Time for Nursing Mothers law requires an employer to provide access to time and space during a workday to hourly workers covered under the Fair Labor Standards Act.
- Unfortunately, federal law has excluded certain employees, such as teachers, which this bill would cover.
- According to Ms. Kelly, this bill is crucial because breastfeeding is regarded as the best approach to improve health outcomes.
- As Senator Whitley stated, many stakeholders collaborated in the drafting of this bill. Some of those stakeholders included the Governor's Advisory Council on Lactation, the New Hampshire Department of Labor, and the BIA.
- This bill would provide nursing employees with accommodations for at least one year. In contrast, other states like Maine and Vermont have laws that are more expansive and provide protections for up to three years.
- Ms. Kelly said that reasonable break times are defined as being 30 minutes every three hours for two reasons.
 - First, from a physiological perspective, nursing mothers need to express milk frequently to maintain their milk supply.
 - Second, both businesses and human resource professionals have frequently inquired about what constitutes a reasonable break time.
- This bill wouldn't prohibit an employer and employee from agreeing to different terms when it comes to break times.
- Ms. Kelly concluded that this bill doesn't require the construction of a permanent room solely for the purposes of expressing milk.

- **Senator Gannon** asked if an employee would be able to take their normal breaks in addition to the 30 minute breaks provided every 3 hours for milk expression.
 - **Ms. Kelly** said that could be part of a negotiation between employees and employers.
 - **Senator Whitley** said that this bill would allow an employee to take their nursing break times contemporaneously with other breaks. As Ms. Kelly stated, this bill would provide flexibility to allow employers and employees to come up with an alternative break time schedule.
- **Senator Soucy and Senator Whitley** offered Amendment 21-0064s, which would change the phrasing on page 2, line 12 to say, "... milk that are different from the requirements in this subdivision". This change, according to Senator Soucy, would provide greater flexibility to employers and employees.

Donna Hosmer, Owner of Autoserv

- Ms. Hosmer said her dealership created an area for both their customers and employees to express milk. This area was created through a grant program administered by the Department of Health and Human Services.
- Reiterating Senator Whitley, Ms. Hosmer said that the Affordable Care Act only covers hourly employees; therefore, 25 percent of New Hampshire women aren't covered by existing law.
- According to Ms. Hosmer, when women encounter barriers to nursing at work, they might be discouraged to return altogether.
- This bill would provide the necessary support to encourage women to return to the workplace, while maintaining the health of their infant.

Dr. Melissa Scull, on behalf of the New Hampshire Medical Society

- Dr. Scull said that nursing has lifelong health benefits. Medical conditions like obesity and diabetes, which are found to decrease in likelihood through nursing, may impact a person's ability to enter the workforce later in life.
- Health organizations, such as the CDC and the American Academy of Pediatrics, recommend mothers breastfeed their infants for at least one year or longer.
- Dr. Scull said that milk is produced through supply and demand. If a mother waits longer between feedings or expressing, then her body will down regulate and produce less milk. According to her, concerns over milk production are the most common reason for the discontinuation of nursing.
- Dr. Scull emphasized that a break time of 30 minutes every 3 hours is reasonable from a medical perspective in order to maintain a woman's milk supply.
- Dr. Scull stated that there are inequities in breastfeeding, which directly result in health inequities.

- For example, the highest rates of breastfeeding occur in non-black Hispanic women (80 percent), women with higher incomes (85 percent), and women over 30 years old (80 percent).
- Meanwhile, the lowest rates of breastfeeding occur in non-Hispanic black mothers younger than 20 years old and low-income mothers (30 percent), and across all demographics (60 percent).
- According to the U.S. DHHS, women are less likely to take time off if they're nursing because the likelihood of illnesses in breastfeed children is lower.
- Dr. Scull concluded that this bill would lower employee turnover and decrease health care costs for employers in both the short and long term through the reduction of chronic illnesses.

Stephanie Lund

- Ms. Lund said that her employer provides time and space for her to nurse her son. She said it's encouraging to know that her employer and coworkers support her.

Dr. Jennifer Christiansen, on behalf of New Hampshire Medical Society

- According to a cost analysis report, if 90 percent of U.S. mothers complied with exclusively breastfeeding for 6 months, then a cost savings of \$13 billion would be generated per year.
- Those savings, according to Dr. Christiansen, don't taken into consideration fewer absences from work due to child illnesses or fewer adult deaths associated with diseases acquired in childhood.
- Other benefits of breastfeeding for mothers include decreased postpartum bleeding, a faster return to one's pre-pregnancy state, and decreased risk of breast and ovarian cancers.
- Dr. Christiansen concluded that exclusively breastfeeding would help to create a healthier future population.

Dr. Oge Young, Past President of the New Hampshire Medical Society

- Dr. Young said that breastfeeding is less expensive and more efficient than using baby formula.
- According to Dr. Young, the greatest benefit of breastfeeding is the opportunity for mothers and their infants to bond.
 - Fifty-years ago, Harvard Pediatrician Barry Brazelton found that such an attachment profoundly affected the relationship between mothers and children.
 - Additionally, early attachments have been found to increase the likelihood that children mature into productive and happy adults, while decreasing the likelihood of them suffering from mental illness, heart disease, addiction, and chronic illnesses.

- Dr. Young concluded that this bill would benefit society as a whole. Additionally, businesses would benefit from less attrition, absenteeism, a higher morale, and workers who are more loyal and productive.

Kate Frederick

- Ms. Frederick was concerned this bill would exclude breastfeeding, which raised legal concerns.
- She said there was another bill, House Bill 231, which would address this issue, so she hoped the committee would merge this bill with it.
- In response to Ms. Frederick's concerns, Ms. Kelly said that this bill doesn't preclude an employee from breastfeeding during work hours. In fact, the bill allows businesses to determine how flexible they want to be.

Representative Latha Mangipudi

- Representative Mangipudi said she was able to bond with her first child due to workplace accommodations. However, when she moved to New Hampshire and had her second child, she was forced to give up her full-time job because accommodations weren't available.
- Representative Mangipudi emphasized that the first 4 months of early childhood is crucial for bonding.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Lissa Sirois, Division of Public Health Services, Department of Health & Human Services

- As mentioned by others, Ms. Sirois said the most highly protective measure a mother can take towards protecting their health and their infant's health is through breastfeeding.
- Breastfeeding protects against many different diseases and conditions, such as diarrhea, respiratory and ear infections, and even childhood obesity. For mothers, breastfeeding reduces the risk of breast and ovarian cancer.
- In New Hampshire, roughly 90% of mothers breastfeed after deliver; however, less than 4 percent continue to breastfeed through the first year, which is recommended by the American Academy of Pediatricians.
- Ms. Sirois said that returning to work is one reason women stop breastfeeding altogether.
- DHHS has numerous public health programs to support breastfeeding mothers, such as the Women, Infant, and Children Nutritional program, the Breastfeeding Care Council, and home visiting services.
- Recently, the Division of Public Health awarded Keene State College a 3-year grant to implement workplace lactation support projects.

- Through 34 mini grants, 43 new lactation spaces were funded across the state for both small and medium-sized businesses.
- As a result, Ms. Sirois said that more than 3,500 working women now have access to clean and private spaces to express milk during work hours.
- Additionally, mini grants have been used to help businesses write workplace lactation policies as well as to train human resources staff.
- **Senator Gannon** asked how a small business, such as pizza place, could afford or find a clean and sufficient space for nursing mothers.
 - **Ms. Sirois** said that most of the hospitality industry is covered under existing federal law. However, she said it's important to clarify that a space doesn't need to be permanent, instead it could be temporary like an office.

Lexie Rojas, Attorney, New Hampshire Department of Labor

- Attorney Rojas said she reviewed the statute, and the department understands how to implement it.
- However, she said that the department has received numerous inquiries about the hardship exemption clause.
- To receive a hardship exemption, an employer would need to file a request and provide an explanation on why they believe they need it. In response, the department would be able to perform a flexible analysis that would weigh the needs of employees and the needs of a business.
- **Senator French** asked if stores with small retail spaces and tiny offices would be exempt from this bill under the hardship clause.
 - **Attorney Rojas** said that's possible; however, it would depend on their explanation of why this bill wouldn't apply to them.
- **Senator French** asked what the civil penalty under RSA 273:11-a would be.
 - **Attorney Rojas** replied that a warning would be issued first; however, a penalty could cost as much as \$2,500. Penalties are assessed on a sliding scale and they're dependent upon other issues, such as having committed previous violations.
- **Senator French** asked if the penalty is administered by the Department of Labor.
 - **Attorney Rojas** stated that an inspection is done initially. If a violation is found to have occurred, a disclosure meeting is held between the inspector and the business owner to discuss existing laws and requirements. In response, a business owner could agree to an informal conference with the department to discuss what they believed at the time of a violation and how they have since been educated. If they have made corrections, then they will receive a reduced penalty. However, a business owner can choose to skip this step and request an impartial administrative hearing. During the hearing, a business can argue why a penalty shouldn't be applied to them or they can contest the amount of a

penalty. If at the end of a hearing a decision is rendered against an employer, then they have the right to appeal to a civil penalty appeals court. That court can assess whether a penalty was justifiable, and they can increase or decrease the amount of the penalty. Finally, if a business is dissatisfied with that decision, they can appeal to the New Hampshire Supreme Court.

Dave Juvet, Senior Vice President, Business & Industry Association of New Hampshire

- Mr. Juvet said that the BIA worked collaboratively with Senator Whitley and the other advocates.
- According to Mr. Juvet, two concerns made by the BIA were adequately addressed by the stakeholders.
 - First, Mr. Juvet felt that requiring an employer with 6 employees or more to provide accommodations seemed problematic for smaller businesses. However, he said that this language was reasonable because it was consistent with other anti-discrimination laws. Also, there was a concern that if the number of employees were lowered, then more businesses would be asking for hardship exemptions.
 - Second, Mr. Juvet felt that the hardship exemption clause was vague, especially regarding the responsibility of an employer. However, attorneys at the BIA told Mr. Juvet that the hardship exemption language was standard. He felt that it might be helpful if the bill said an exemption should be filed or requested with the Department of Labor, so that employers better understood the process.
 - In response, **Senator Whitley** said she believed Attorney Rojas from the Department of Labor had clarified the hardship exemption process sufficiently. Also, the provisions of this bill would be placed within the statute governing the Department of Labor.
- Mr. Juvet said that the BIA couldn't reach a consensus on the definition of a reasonable break period.
 - While the definition choice is understandable, Mr. Juvet said that every nursing mother, employer, and workplace is different. He felt that it might be better for an employee and employer to determine what a reasonable break period is.
 - Further, Mr. Juvet said the provision beginning on page 2, line 9 creates confusion because it states that the definition doesn't need to apply if another accommodation has been reached between an employer and employee.
 - **Senator Whitley** responded that existing federal law hasn't properly defined the term "reasonable break period." Consequently, this has prompted businesses in the state to inquire what would constitute a reasonable break period. Senator Whitley stated that the definition contained within this bill is consistent with widely

accepted medical recommendations. If an employee needed additional time to express milk, this bill would provide an opportunity for the employee and employer to come together to find another solution.

- Mr. Juvet concluded that most employers are already providing sufficient space for nursing mothers because retaining employees is good for the success of their business.

AJ

Date Hearing Report completed: January 28, 2021

Speakers

Commerce Committee Testify List for Bill SB69 on 2021-01-26

Support: 43 Oppose: 1 Neutral: 4 Total to Testify: 13

<u>Name</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Roff, Jennifer	Myself	Support	No
Whitley, Becky	District 15	Support	Yes
Perkins Kwoka, Senator Rebecca	Myself (SD 21)	Support	Yes
Juvet, David	Business & Industry Association	Neutral	Yes
Kelly, Joyce	Myself	Support	Yes
Hosmer, Donna	Myself- Business Owner Autoserv	Support	Yes
Lund, Stephanie	Myself	Support	Yes
Scull, Dr. Melissa	Myself & NH Medical Society	Support	Yes
Sirois, Lissa	DHHS, Division of Public Health Services	Neutral	Yes
Christiansen, Dr. Jennifer	Myself & NH Medical Society	Support	Yes
Rojas, Lexie	NH Dept. of Labor	Neutral	Yes
Rojas, L	Department of Labor	Neutral	Yes
Young, Dr. Oge	Myself & NH Medical Society	Support	Yes
Tanner, Courtney	Dartmouth-Hitchcock	Support	Yes
Marsh, William	Myself	Support	No
Wazir, Safiya	Myself	Support	No
Hennessey, Erin	SD1	Support	No
Oliveira, Paula	NH Breastfeeding Task Force	Support	No
WOITKOWSKI, REBECCA	New Futures	Support	No
Minnehan, Paula	New Hampshire Hospital Association	Support	No
Padmore, Michael	NH Medical Society	Support	No
Johnson, Cynthia	NH Breastfeeding Task Force	Support	No

Commerce Committee Testify List for Bill SB69 on 2021-01-26

Support: 43 Oppose: 1 Neutral: 4 Total to Testify: 13

<u>Name</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Shepard, Angela	NH Medical Society	Support	No
Hruska, Jeanne	ACLU-NH	Support	No
DAllesandro, CHRISTINA	MomsRising	Support	No
Telerski, Laura	Hillsborough 35	Support	No
Horrigan, Timothy	Myself	Support	No
Pelletier, David	Myself	Oppose	No
Prentiss, Senator Sue	Myself	Support	No
Simpson, Alexis	Myself	Support	No
Kesavan, Ajhani	Myself	Support	No
Gupta, Sahil	Myself	Support	No
McWilliams, Rebecca	Merrimack 27	Support	No
Josephson, Helina	Myself	Support	No
Dellisola, David	Myself	Support	No
Fenner-Lukaitis, Elizabeth	Myself	Support	No
Frizzell, Jennifer	New Hampshire Women's Foundation	Support	No
Ramas, Dr. Marie-Elizabeth	NH medical society	Support	No
Hebert, Ann	Myself	Support	No
Toll, Amanda	Myself	Support	No
Foster, Joanne	Myself	Support	No
Rutherford, Andrea	Myself	Support	No
Hawkins, Brian	NEA-NH	Support	No
Nutting-Wong, Allison	Myself	Support	No

Commerce Committee Testify List for Bill SB69 on 2021-01-26

Support: 43 Oppose: 1 Neutral: 4 Total to Testify: 13

<u>Name</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
stevens, sherry	Myself	Support	No
Mangipudi, Latha	Hills 35	Support	No
Sears, Amanda	Campaign for a Family Friendly Economy	Support	No
Marino, Doug	Myself	Support	No

Testimony

January 25, 2021

The Honorable Chair, Harold French
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

RE: SB 69- requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Chairman Harold French and Members of the Committee:

New Futures appreciates the opportunity to testify in favor of SB 69, 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 69 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 which have been exacerbated by the COVID-19 pandemic, attention should be paid to all policies which support workforce retention.

For these reasons, New Futures urges the committee to vote SB 69 ought to pass.

Respectfully submitted,



Rebecca Woitkowski, Esq.
Kids Count Policy Coordinator

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

² <https://statusofwomensdata.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>



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

Lori A. Shabinette
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

January 24, 2021

Senator Harold French, Chair
Senate Commerce Committee
State House, Room 100
Concord, New Hampshire 03301

Re: Public health information in response to SB 69; requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Senator French 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 69, 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 cancer¹.

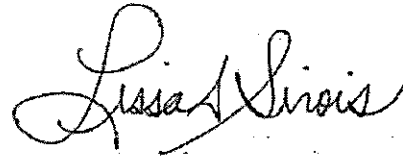
Greater than eighty-eight percent of New Hampshire women initiate breastfeeding after delivery, but less than forty percent continue to breastfeed through the first year, as recommended by the American Academy of Pediatrics². Among low-income households in New Hampshire, only seventy-two percent ever breastfeed and only seventeen percent continue through the first year³.

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 Programs, Primary Care Services, and Child Health Programs. Most recently the Division of Public Health Services awarded a grant to Keene State College to implement a 3 year workplace lactation support project. The project funded 43 new lactation spaces across New Hampshire through 34 mini-grants at small and medium businesses. The mini-grants included funds to establish a space, technical assistance with writing a workplace policy and training for human resource staff. More than 3,500 working women of childbearing age now have access to a clean and private space to express milk at work

and a policy that allows for reasonable break time. DPHS also offers a free online training module and employer toolkit to help with establishing a comprehensive lactation program.

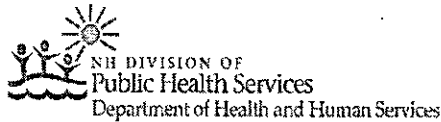
Thank you for taking the time to review this information. If you have any questions, feel free to reach me at 603-271-0571 or via email at Lissa.Sirois@dhhs.nh.gov.

Sincerely,

A handwritten signature in black ink that reads "Lissa Sirois". The signature is written in a cursive style with a large initial "L" and "S".

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

1. Statement P. Breastfeeding and the Use of Human Milk. *Pediatrics*. 2012;129(3):e827-e841. doi:10.1542/peds.2011-3552
2. Centers for Disease Control and Prevention. Breastfeeding Report Card - United States, 2020. 2020;(CDC).
3. New Hampshire WIC Pediatric Nutrition Surveillance. <https://wisdom.dhhs.nh.gov/c10/epht/pediatricnutrition/wic1.html>. Accessed January, 24, 2020.



NH Worksite Lactation Project | Keene State College

Project Overview

The NH Division of Public Health Services awarded Keene State College a 3-year grant to offer competitive mini-grants of up to \$5,000 to NH businesses in order to establish on-site lactation support programs for working mothers.

Importance of Project

- Breastmilk is the preferred and optimal source of nutrition for infants, and can help reduce the chance of illness to both the infant and mother.¹
- The Centers for Disease Control and Prevention (CDC) and the World Health Organization (WHO) recommend exclusively breastfeeding for the first 6 months of life and to continue breastfeeding for at least 1-2 years of age.²
- Supporting mothers in the workplace will help them come back to work sooner, be more productive, and have higher job satisfaction.

Project Highlights

- Awarded **34 mini-grants** to businesses throughout the state of New Hampshire.
- Mini-grants allowed for **44 new lactation spaces** to be created among NH businesses.
- Of the 34 businesses funded, **33 improved their CDC Worksite Scorecard** total.
- Targeted small businesses to assist in developing a comprehensive lactation support program with awards up to **\$5,000**.
- Assisted in the development of **new breastfeeding policies** adopted by worksites.
- New programs supported **over 3,500 women** of childbearing age in the workforce.
- Established new programs and spaces at businesses covering **7 of 10 counties**.
- Awarded a range of worksites including businesses in **healthcare, education, non-profits, hospitality, local libraries and government**.
- Purchased supportive materials, such as: **hospital grade breast pumps, comfortable chairs, mini-refrigerators, calm lighting/décor, pumping supplies, portable sinks**, and the ability to complete interior design and construction to renovate unused space.

Quick Facts about Working Mothers

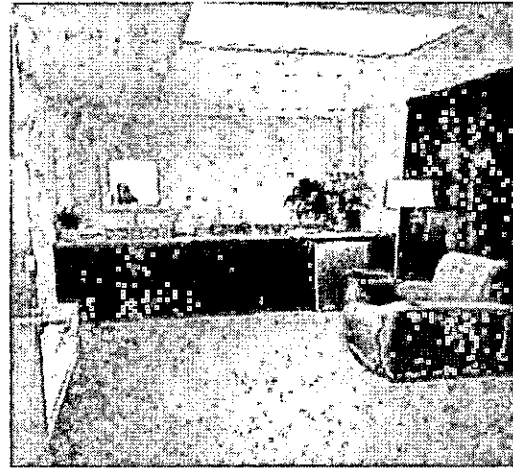
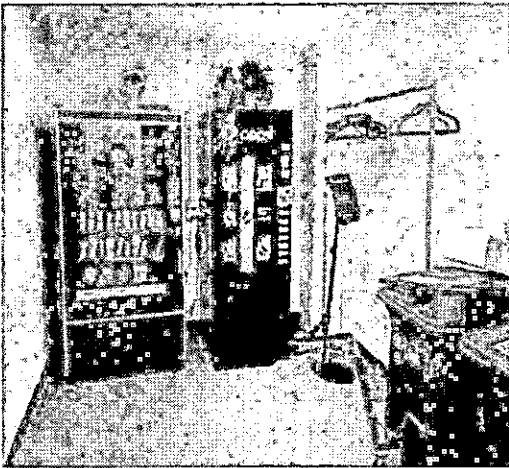
51% of businesses have worksite lactation support programs.

70% of employed mothers with children younger than 3 years old work full-time.

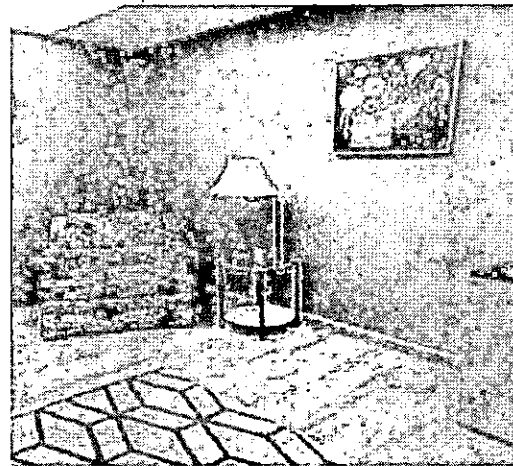
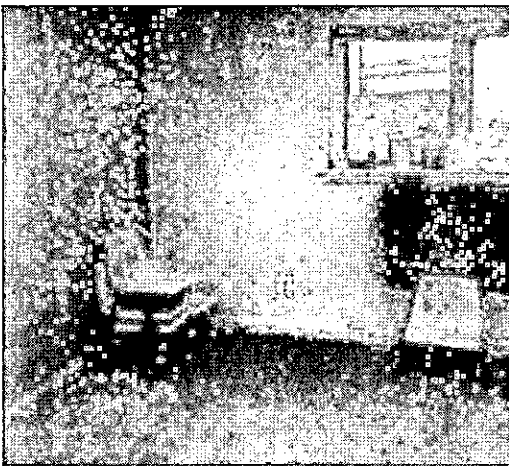
60% of mothers stop breastfeeding earlier than intended.

Pre & Post Photos of Lactation Spaces

Lakes Region Community College, Laconia, NH



Under His Wings Preschool and Daycare, Gilford, NH



Greater Seacoast Community Health



1. <https://www.cdc.gov/breastfeeding/about-breastfeeding/index.html>
2. <https://www.who.int/westernpacific/health-topics/breastfeeding>
3. <https://shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/SHRM%20Employee%20Benefits%202019%20Family%20Friendly%20and%20Wellness.pdf>
4. <https://www.dol.gov/agencies/wb/data/mothers-and-families>

January 26, 2021

Re: SB 69 – Sufficient space and reasonable break time for nursing mothers

Dear Honorable State Senator French and Committee Members,

Good morning Chairman French, Vice Chair Gannon and Committee members:

My name is Joyce Kelly and I am a registered nurse and Chair of the NH Breastfeeding Task Force. The NH Breastfeeding Task Force is an educational nonprofit and is the recognized state breastfeeding coalition of the United States Breastfeeding Committee. Our mission is to promote, protect and support breastfeeding through education, outreach and advocacy. Breastfeeding is regarded by all major health organizations as the optimal infant feeding method that supports improved population-health outcomes. We have approximately 50 members throughout the state, many of whom work in hospital settings but also community settings, public health settings and educators.

Senate Bill 69 attempts to close the gap that was unintentionally left by the federal break time for nursing mothers law passed in 2010 that required employers to provide access to time and space for breast milk expression during the workday to hourly workers covered by the fair Labor Standards act. Senate bill 69 would require employers to provide access to time and space to express milk during the workday for **all workers** regardless of Labor category (with exceptions noted in the bill). As part of the Governor's Advisory Council on Lactation we have collaborated with groups including the Department of Labor as well as the NH business and industry Association in order to craft a bill that we feel addresses the relevant needs related to workplace breastfeeding support that is comprehensive and a value to both employers and employees.

New Hampshire is the only state in New England that does not have a state level law to protect all working mothers. New Hampshire Senate bill 69 is a very reasonable bill that proposes accommodations for one year after the birth of a child for an employee to have access to time and space to pump during the work day. Other states such as Maine and Vermont have laws that are much more extensive including up to three years of protection for all workers. We feel that this bill we drafted is a NH solution for working mothers and employers.

We chose to define reasonable break time of approximately 30 minutes every three hours in a work day because it is physiologically what a woman's body needs to maintain their milk supply when expressing milk while away from their baby, and also because we have received many inquires over the years from NH businesses and human resource professionals asking "what is reasonable for a new mom to express milk during the work day?" Please note, the bill includes language that allows an employer and employee to agree to different terms.

It is Important to note that this bill does not necessarily require an employer to undertake the construction or building of a room solely for the purposes of milk expression. This bill provides for access to time and space to pump. It may be a temporary or permanent space. Even when an employer chooses to make a permanent space it can be completed at a nominal cost.

I am happy to take any questions or clarify any of my testimony. Thank you very much for allowing me to speak on behalf of SB 69.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce Kelly". The signature is written in black ink and is positioned below the typed name.

Joyce Kelly MPH, BSN, RN
Chair, New Hampshire Breastfeeding Task Force

January 26, 2021

Re: SB 69 – Sufficient space and reasonable break time for nursing mothers

Dear Honorable Chair, Kevin Cavanaugh
Senate Commerce Committee
LOB
Concord, NH 03301

Re: SB 69—an act requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time

I write in strong support of SB 69, a bill designed to support nursing mothers returning to work. Current breastfeeding legislature as 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. As New Hampshire is the only state in New England without its own workplace breastfeeding support legislation, SB 69 would require all employers to accommodate for reasonable time and space for all nursing mothers to express milk during their workday. The cost of this support is minimal with great benefits to the health of our New Hampshire children but also to the great benefits to our businesses. Some benefits include greater employee retention, decrease in employee absenteeism, increases in morale, loyalty, job satisfaction and last but not least promote a positive image of the business as a desirable place of employment. Everyone wins. Given that women hold over 50% of American jobs, SB 69 will help us join all of the New England states that have built on the federal law to include ALL women the protection they need to provide the best nutrition for their infants.

While the federal law laid the foundation, we need to build upon the basic law to include ALL women protection when they return to work. I am the founder of the New Hampshire Breastfeeding Task Force (1996), previous member of the Governors Advisory Council on Pregnancy and Lactation, Chair of the Workplace Breastfeeding Support Subcommittee, a long term clinician helping women across our state migrate returning to work and one that has worked through grant opportunities to create lactation workspaces in our state, I stand confident that SB 69 will create a positive change for our businesses and will ultimately foster the growth of healthy families in New Hampshire. For these reasons, I am requesting your support as well as members of the committee to recommend Senate Bill 69 to pass.

Thank you for the opportunity to advocate for our great state.

Respectfully submitted,

Paula Oliveira RN, BSN, IBCLC
Chair, Workplace Breastfeeding Support Subcommittee
New Hampshire Breastfeeding Task Force

January 26, 2021

Re: SB 69 – Sufficient space and reasonable break time for nursing mothers

Dear Honorable Senator French and Committee members,

I write in strong support of SB 69 a bill designed to support nursing mothers returning to work. Current breastfeeding legislature as 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 legislature. SB 69 would require all employers to accommodate for reasonable time and space for all nursing mothers to express milk during their workday. This is important to New Hampshire because it not only supports mothers, but also families as their dynamics change and mothers make their transition back to work.

As a working mother a I know I bill like this is critical to the well-being of myself and family. It is key to provide support for and give mothers the option and resources needed to work and have the choice to breastfeed. It makes sense for families, health outcomes, and it is good business sense.

I am confident that SB 69 will create a positive change for many families in our great state. This bill will provide support for the workplace and the home, and ultimately foster the growth of healthy families throughout New Hampshire. For these reasons, I am requesting your support to recommend Senate Bill 69 to pass.

Respectfully submitted,

Margaret Henning

SB 69

Senate Commerce Committee

January 25, 2021

Online – 9 a.m.

Good Morning Senator French 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 a business owner in that my family had owned AutoServ Dealerships in Tilton for over 30 years. I'm also a partner in a manufacturing plant in Lancaster. Between these two NH businesses, we employed well over 300 people.

I speak in strong support of SB 69, a bill designed to provide mothers returning to work with sufficient space and a reasonable break to express milk. 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 69 would require all employers to accommodate reasonable time and space for all nursing mothers 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 69 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.

I jumped at the chance to champion this initiative when my friend, Joyce Kelly, who is chairing the New Hampshire Breastfeeding Task Force, invited me to speak to your committee last year; and I'm proud to be speaking in support again today. In fact, our dealership participated in a grant program a couple of years ago and qualified for an award that helped us create a really special lactation space for our employees and customers (see flyer/photo attached). We proudly posted these fliers throughout our business to inform and encourage widespread use of our 'lactation lounge.'

This initiative resonates with me as a working mother who nursed, and because it is consistent with our corporate culture to be family friendly and always looking for ways to empower women to succeed.

Something Joyce Kelly had said to me really stuck: "When women encounter barriers to nursing at work, it's more likely that they'll give up." Instinctively I knew how true this was because I struggled a lot with nursing. Fortunately for me, I didn't have to face obstacles at work or from a supervisor who didn't understand. I'm grateful for the people who encouraged and helped me achieve some modicum of nursing success, and wish for all mothers to feel like they can do this and not give up on nursing or working.

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 wouldn't have been able to nurse my children if obstacles were in my way instead of encouragement and support.

Eliminating workplace barriers will contribute to a mother's success here, and have great, positive impact on NH families and businesses.

In closing, SB - 69 provides the necessary support for nursing mothers in the workplace and fosters the growth of healthy families throughout New Hampshire and business growth, 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



Dartmouth-Hitchcock Medical Center

One Medical Center Drive
Lebanon, NH 03756-0001

Phone (603) 650-0000

Fax (603) 650-0000

Dartmouth-Hitchcock.org

Senator Harold French - Chair
Senate Commerce Committee

January 26, 2021

Re: SB 69 – 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 69 and provide the following in support. I am the Chief Medical Officer of Dartmouth-Hitchcock's Community Group Practices, located in Concord, Manchester, and Nashua. 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.

Breastfeeding is beneficial to the mothers and babies. 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.¹

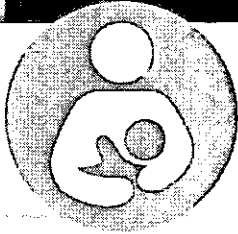
In closing, Dartmouth-Hitchcock strongly urges the passage of SB 69. This bill will provide a minimum standard for employers to permit and support their employees who are or are planning to breastfeed.

Thank you for consideration,

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

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

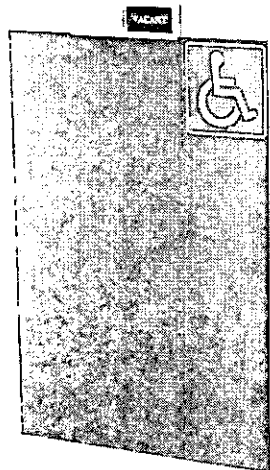
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January 25, 2021

The Honorable Chair, Harold French
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

Re: SB 69 – 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 as a private citizen in strong support of SB 69 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.

In a previous work environment in New Hampshire I had to...

- **Book meeting rooms to pump where I was constantly walked-in on**
- **Was encouraged by HR to pump in the bathroom**
- **Had to come up with creative ways to keep my pump/breast milk clean and cold**

If it was not for the global pandemic, I would not be in an environment to provide the best I can to keep her healthy, to keep breastfeeding.

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,

Amanda Newton
Hooksett NH

January 25, 2021

The Honorable Chair, Harold French
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

Re: SB 69 – requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

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As a growing employer in New Hampshire, we have a large number of staff who are young women. In 2019, we received a grant to allow us to install a special "mom's room" in each of our 3 autism clinic locations. In our first year alone, we have had 6 employees who have come back to work after having babies. The special private room has been a huge asset for them, providing them with dignity and privacy as they are nursing during work hours. As a business, this has helped us to secure a reputation as a family-friendly workplace and has helped us to more easily attract new employees.

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,

Daniel W. Dube

CEO

Compass Innovative Behavior Strategies LLC

January 26, 2021

Re: SB 69 – Sufficient space and reasonable break time for nursing mothers

Dear Honorable State Senator Harold French, Chairman of Commerce Committee,

I write in strong support of SB 69 a bill designed to support nursing mothers returning to work. Current breastfeeding legislature as 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 legislature. SB 69 would require all employers to accommodate for reasonable time and space for all nursing mothers to express milk during their workday. This is important to New Hampshire because it not only supports mothers, but also families as their dynamics change and mothers make their transition back to work.

My employer was very supportive when I worked as a breastfeeding mom, with both of my children. I'm in favor of this bill because all mothers should have the support that I had.

In order to be successful with breastfeeding, multiple supports need to be in place. Partner/family, medical providers, as well as employers play important roles. Lack of support by any of these makes it difficult, if not impossible to breastfeed while working.

Breastfeeding was always my plan, but became even more vital when I had a premature baby. Knowing my baby was fragile and faced higher risk for some conditions compared to a full-term baby, I was on a mission to breastfeed. This was the best chance my baby had at positive medical, nutritional, and developmental outcomes.

Having employer support made it possible to reach my breastfeeding goals and I will always be grateful.

I am confident that SB 69 will create a positive change for many families in our great state. This bill will provide support for the workplace and the home, and ultimately foster the growth of healthy families throughout New Hampshire. For these reasons, I am requesting your support to recommend Senate Bill 69 to pass.

Respectfully submitted,

Marisa Lara
Raymond, NH

January 25, 2021

The Honorable Chair, Harold French
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

Re: SB 69 – 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 as a private citizen in strong support of SB 69 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.

As a full-time working mother with two children under the age of two years, and as a leader in my organization, I know what a pain-point this issue is for so many women. There's stress, guilt, and fear of retaliation involved in the workplace because this issue has been ignored. Please support the passing of this bill.

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,

Sarah Pinches
Manchester

Greetings honorable parties,

My name is Dr. Ajhani Kesavan, and I am a Family Medicine resident physician. I am for Docket SB69, stating that all employers should be required to provide access to a sufficient space for nursing mothers and reasonable break time for breastfeeding.

It is a well-known fact that breastmilk is the best source of nutrition for growing infants. Not only does it provide a resource-rich source of sustenance, but it also decreases acute illnesses within the first year of birth requiring hospitalization, stimulates growth and development of the gastrointestinal system, and reduces the risk of childhood mortality secondary to infections. There has been evidence that breastmilk can reduce the incidence of Type 1 Diabetes, irritable bowel disease, wheezing, and dental pathologies including dental caries.

Considering this information, it is important to understand that breastfeeding reduces many different health risks for children. However, there are many obstacles that prevent young mothers from being able to adequately provide breastmilk for their children, some of these being inflexibility and stigmatism at the workplace. Employed mothers often deal with a lack of privacy when breastfeeding and often resort to using the restroom for pumping purposes, leading to an unhygienic approach that is associated with shortened and inadequate pumping times. There is also an added pressure from colleagues not to take breaks to express breast milk, often again leading to insufficient pumping times. Without having designated times and spaces for mothers to pump, we leave them with the following options: to continue without pumping - resulting in severe pain to the mother, to pump in a public setting without privacy, or to pump in an unhygienic setting such as a bathroom.

As a family medicine physician, this is something that I often endure when interacting with patients in my clinic or on the obstetrics floor. We often as a team, encourage new mothers to gradually return to work and establish plans with supervisors to discuss where and how often our patients will need to express milk. However, this should not be a luxury that some women receive in their place of employment and others do not. This should be a standard practice across employment for both physical and mental wellness of both mother and child. What seems like a basic right, which is the privacy and time to tend to a natural bodily process, should be accessible to anyone who needs it.

I hope that my testimony reiterates the importance of being able to provide access to sufficient space for nursing mothers and a reasonable break time for breastfeeding, in regards to health and wellness for both our female employees and their children. Thank you to everyone for listening.

MomsRising.org

Testimony to Senate Commerce
Christina D'Allesandro, MomsRising
January 26, 2021

Thank you Chairman French 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 69-FN, which will requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

This bill will increase support for working mothers by providing adequate time to pump and access to 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 to submit photos of the places they had to pump. These included bathrooms, conference rooms and closets - not the spaces we would choose.

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 - and I hope that you support SB69-FN with a recommendation of Ought to Pass.

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.

January 26, 2021
In Support of SB69

I am Oge Young, a recently retired Concord Ob/Gyn and past president of the NH Medical Society, here to support SB69. I represent the NH chapters of ACOG, AAP, AAFP, the NHMS and NH women.

Providing times and places for women workers at their workplace to breastfeed is simply the right thing to do. Any effort towards making nursing more readily accessible for a mom and her infant is a significant benefit to all of us.

Science has shown that breast milk is the ideal nutrition for infants. Nature has provided a perfect mix of protein, fats, low sugar and vitamins for healthy growth and antibodies to ward off viral and bacterial infections. Breast fed babies have fewer ear infections, respiratory illnesses and bouts of diarrhea. We see a lower incidence of overweight infants with nursing, and subsequently a remarkably a lower risk of obesity, diabetes, hypertension and certain cancers when they become adults.

Breastfeeding benefits the mother. Postpartum, new moms are more likely to return to their normal weights. Nursing lowers the risk of breast and ovarian cancer. And, breastfeeding is less expensive and much more efficient than using formula to feed an infant.

But, the greatest benefit of nursing is the opportunity it provides for the mom and baby to bond. Harvard pediatrician Barry Brazelton, who recently died at 98, established 50 years ago how critical newborn bonding is for the baby and the mom. What he called "attachment" profoundly affects the relationship between child and parent- a relationship that is vital to early and late development.

Dr. Brazelton showed that early bonding made it much more likely that children would mature into productive and happy adults and much less likely that they would suffer from mental illness, heart disease and other chronic illnesses including addiction. Investing in times and places for working moms to nurse their infants costs a pittance compared to the long term expense of these adult problems.

Finally, businesses which provide times and places for women to breastfeed their infants will likely have less attrition, higher morale, more loyal and productive workers. SB69 seems to truly benefit all of us- women, their babies, businesses and our society. I strongly encourage you to support this bill.

Oge Young MD

January 25, 2021

The Honorable Chair, Harold French
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

Re: SB 69 – 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 as a private citizen in strong support of SB 69 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.

Upon my return to work in 2017, shortly after having my son it was extremely difficult to find time to pump at work. Although my employer was very supportive, I felt guilty taking too many breaks and due to this my supply suffered. Luckily for me, I had a private and comfortable area to pump. I can't imagine how others in my same situation feel without having the comfortable environment and support from their employer. This is exactly why I support SB 69. Every mother returning to work should have adequate breaks and a comfortable area to pump at work. Unfortunately this is not the case for everyone. It is stressful enough to return to work and balance the new normal of being a mom and working. This mandated support from employers would mean so much for so many!

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,

Brittany
Hooksett

January 25, 2021

The Honorable Chair, Harold French
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

Re: SB 69 – requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

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Through the support of my employers, I was able to provide both of my boys, (now 5 and 2 years old), breast milk through their first years of life. Knowing the nutritional benefit of breast milk versus formula, it was really important for me to provide that to my children, and also allowed me to continue to have that irreplaceable bond through nursing. With my first child, I worked at a more clinic based place of employment, where I was always traveling to different locations and had to be able to provide for clients as they came in the door for their appointments. Though more difficult, there is always a way to make it work. Each location I was at, (though sometimes it took a little creativity), I had a private space to safely pump, as well as supportive coworkers who would help jump in while I took that time to pump. The place of employment I worked with my second child, I was more in an office-based environment. This allowed me to take more scheduled breaks, in a beautiful lactation lounge my place of employment had in the building. Though two very different experiences, it showed me that there is always a way that an employer and employee can come together and make it work. Being given the time and ability to do what I needed to do to feed my babies how I wanted to, made me a stronger and a more loyal employee, knowing that they supported me in my journey. Choosing to nurse and pump for my infants lead to my children and I being healthier, providing long term benefits to my place of employment as well.

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,

Jessica Webb
Auburn, New Hampshire

January 25, 2021

The Honorable Chair, Harold French
Senate Commerce Committee
Legislative Office Building
Concord, NH 03301

Re: SB 69 – requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Dear Honorable Chair and Committee Members,

I'd like to share my perspective as a working mother to assist the Legislature as it considers SB 69.

My son, who is now 14 months old, benefitted entirely from the fact I had a support system that allowed me to privately pump for 20-30 minutes, two to three times during the work day.

I was fortunate that my employer, McLean Communications, had applied for and received grant funding to purchase a mini refrigerator and set aside space in our storage room for a comfortable seating area where I could pump.

A few years back, a coworker of mine was pumping in the conference room that had no lock on the door when the outsourced IT professional walked in on her.

More concerning to women is the fear their employer will disapprove of the need to take breaks to pump.

Women need assurance they have the right to take these necessary breaks in order to feed their infant. While formula is an alternative for those who are unable or choose not to breastfeed, I have personally seen the benefits of breastfeeding.

My son has never been sick. Ever. A couple months ago, I suffered from an awful sinus/chest cold, which was confirmed to not be Covid-19. My son had a slight stuffy nose.

Referring to data in the U.S. Department of Health and Human Services' "The Business Case for Breastfeeding," Mutual of Omaha found healthcare costs were three times lower for babies whose mothers participated in their company's lactation program - i.e., providing a comfortable space and breaks to pump.

In 2012, the American Academy of Pediatrics published a study that showed serious colds and ear and throat infections were reduced by 63% in infants who exclusively breastfed for six months.

But some managers, bosses and colleagues may not be aware of the benefits of breastfeeding, nor realize the nuances of the task, which requires a woman pump every few hours in a setting that allows her to relax - not in a bathroom or room she could be walked in on.

This legislation affects not only women and their employers, but the next generation of Granite Staters.

Liisa Rajala, Jaffrey, NH resident

NH Senate Commerce Committee
107 North Main St
Concord, NH 03301

January 26, 2021

Re: SB69

Members of the Senate Commerce Committee,

My name is Angela Shepard. I am a Preventive Medicine physician and NH native currently living in Hopkinton with my husband and two sons. I am writing today to strongly support SB69 and the policy revisions that will support nursing mothers in the workplace.

Economic pressures and career responsibilities make it exceedingly difficult for most women to remain home with their infants. For many families, the mother may be the primary or sole bread winner. For other women, their unique training and experience make them essential in the workplace. It is unrealistic to have policies addressing the responsibilities of employers and not include protections for this vital part of the workforce.

Mothers who return to work in the first year after delivering a child must make difficult decisions about the care of the infant. One important choice they must make is how to continue providing the health benefits of nursing to their child while they are separated. If a woman chooses to express and store breastmilk during the day for her child, this is a significant additional burden she takes on for the health of her child. Her employer should gratefully make the minimal accommodations necessary to welcome back their valued employee and support her in providing for her child.

Nursing mothers require significant energy expenditures to produce milk for their child. Those who choose to pump and store breastmilk have additional strains on their energy and time because they must also sterilize equipment and storage containers, carry that equipment and containers, pump the milk, safely transfer that milk to storage containers, ensure refrigeration of the milk, and carry that all home again at the end of the day. It is unrealistic and unfair to ask that a woman do this at her desk, in her car, or in a breakroom. It is demeaning and unhygienic to ask that she perform these tasks in the restroom.

The health benefits of breastmilk to the child are well documented in numerous medical texts. These health benefits last long into adulthood meaning that we can support a healthier population by supporting women in the workplace to continue breastfeeding. Additionally, there is an important benefit to the working mother that should not be discounted. This is one simple, direct way that she can contribute to the health and nurturing of her child even if she is forced to return to work. Minimizing the stress that she may face in leaving her young child leads to happier, healthier employees.

The financial benefits to the state of a healthier population should be clear. There is also significant financial benefit to the employer to implement the policies described in this bill. Providing an appropriate, stress-free space for the mother will allow her to complete the expression and storage of breastmilk more efficiently allowing her to return to her tasks more quickly and with fewer distractions. Minimizing the physical and emotional stress of this challenging time as a working mother will reduce the likelihood of her requiring sick days. Allowing her to feel valued as an employee and a working

mother increase her job satisfaction and therefore decrease employee turnaround. All these benefits quickly outweigh the minimal cost of providing a space with a chair and an outlet.

Some may argue that this bill is not needed because there is not a real issue for women or because employers already make appropriate accommodations. This is absolutely not true. There are thousands of working mothers struggling with this daily. While some employers have been supportive, this is not universally the case. To allow certain employers to ignore the needs of potentially half their workforce is patently discriminatory. The role of government is to ensure the rights and protections of ALL its citizens.

NH is a wonderful place to live, work, and have a family. Passing this bill further demonstrates our commitment to families and business. With this bill and others like it, you can state to the nation that we value families and employees. This can be one of the many reasons that young families would choose to move to the Granite State.

I strongly urge you to pass SB69 as a physician, a mother, and a public health advocate. This bill has bipartisan support. It has broad public support. It is supported by the NH Medical Society and similar agencies. It has the potential to improve the lives of thousands of NH residents.

I am happy to provide any additional information that might prove useful. Thank you for strongly considering SB69.

Angela Shepard, MD, MPH
President, NH Rare Disorders Association
ashepardmd@gmail.com

381 Brockway Rd
Hopkinton, NH 03229
603-848-2871

Marie-Elizabeth Ramas, MD, FAAFP

Hollis, NH

SB-69

In Favor

Representing: The NH Medical Society

As a family doctor who has delivered over a thousand babies, I have both personally and professionally experienced the struggle that women encounter when returning to the workforce after delivering a baby. In a culture whose standards and traditions often reflect a time where men were the center of the labor force, it is easy to believe that considering the natural and medically sound choice of continued lactation when returning to work is more of a personal decision. However, with women now comprising over half the US workforce (<https://time.com/5766787/women-workforce/>), it is our duty to implement evidence-based standards that respect all aspects of a person.

I distinctly recall the stress of having to negotiate additional breaks throughout my schedule while running a rural private practice. At the time, the overwhelming concern from my employer was that I would be less “productive” because of my scheduled breaks to express and save breastmilk for my nursing infant. However, much like many women who choose to continue to breastfeed or express milk, often productivity increases, as does work satisfaction. (<https://pubmed.ncbi.nlm.nih.gov/30994382/>)

Luckily, the US Department of Labor states that: “Federal law requires employers to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk (Section 7 of the FLSA). Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.”

Moreover, support of continued breastfeeding is a practical effort that can yield major public health benefits. With the US representing the worst infant and maternal mortality rates in the industrialized world(<https://www.commonwealthfund.org/publications/issue-briefs/2020/nov/maternal-mortality-maternity-care-us-compared-10-countries#:~:text=In%202018%2C%20there%20were%2017,%2C%20Norway%2C%20and%20New%20Zealand.>), as well as the increasing disparities in maternal death and premature infants between Blacks and Whites in the US (<https://www.cdc.gov/reproductivehealth/maternalinfanthealth/infantmortality.htm>), it is imperative that all sectors do what they can to support and improve postpartum experiences for both mother and infant. The American Academy of Family Physicians acknowledges that women who continue breastfeeding or expressing breast milk postpartum having lower rates of obesity, depression and chronic disease (such as high blood pressure and diabetes).

Infants who breastfeed also have less respiratory infections, less risk of obesity and its complications as well as higher intelligence scores.

(<https://www.aafp.org/about/policies/all/breastfeeding-position-paper.html>)

Lastly, as with so many disparities, COVID has disproportionately rendered women unemployed. (<https://time.com/5766787/women-workforce/>) . Our state is not immune to these effects. We must create a new dynamic in our economy to not only make space, but welcome and support the many contributions that women make in our workforce. Treating breastfeeding and breastmilk expression as normative instead of an exception is an easy step in the right direction.

Aaron Jones

From: Ann Hebert <annhebert31@yahoo.com>
Sent: Tuesday, January 26, 2021 8:50 AM
To: Aaron Jones
Subject: SB 69

Hello Aaron,

I just read about the hearing occurring this morning re: SB 69. Below is my written testimony.
Thank you.

Good Morning,

As a retired nurse and mother who worked on the hospital front lines for over 40 years, I strongly support SB 69.

My career as a registered nurse includes many years of supporting breastfeeding mothers in the postpartum period, and also my own breastfeeding experience nearly 45 years ago.

When I returned to work when my newborn was 3 months old, I committed to breastfeeding exclusively which was quite unusual in 1976. I manually expressed my milk when I could take a brief work break to discreetly spend time in the bathroom. It was the only room available to ensure privacy.

The time is way overdue to provide the new mother with a state of the art breastfeeding support program in the workplace. This program would include an appropriate and clean room with pumping equipment and comfortable space.

We definitely understand the science of the many benefits to the mother and baby in extended breastfeeding, and women should not have to figure out, on their own, a breastfeeding plan in the workplace. The employer is critical in extending breastfeeding support, and this action will go miles in retaining valuable employees and providing work-maternal life balance to the new mom.

Thank you for considering my support of SB 69.

Ann M. Hebert
Concord, NH
NH
citizen

Aaron Jones

From: Amanda Toll <electamandanh@gmail.com>
Sent: Tuesday, January 26, 2021 10:33 AM
To: Aaron Jones
Subject: Written Testimony Supporting SB69-FN

Honorable Senate Commerce Committee Members,

I strongly support SB69-FN. This bill requires certain employers to provide access to a sufficient space and a reasonable break period for nursing parents to express milk during working hours. For me (and it's important to note each nursing parent's experience is unique), nursing was both initially challenging and rewarding. I was privileged and able to stay home until my son was school aged. However, I have heard from many nursing parents who did have to return to work out of economic necessity, that nursing was incredibly challenging once they were back on the job. Pumping is unpleasant for many, and parents missed their children while they were also dealing with sleep deprivation on the job. New parents are dealing with so many challenges already -- the last thing they need is a work environment that is hostile to nursing. Please pass this bill to give some increased protections to new parents and their nurslings. This will help to normalize nursing, which has so many public health benefits.

Respectfully,

Amanda Elizabeth Toll

NH State Representative Keene NH

Voting Sheets

Senate Commerce Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # SB 67-FN

Hearing date: 1/26/21

Executive Session date: 1/26/21

Motion of: AMENDMENT (00648) Vote: 4-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<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: OTP-A Vote: 4-0

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

Motion of: _____ Vote: _____

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

Reported out by: SEN. SOUCY

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, January 27, 2021

THE COMMITTEE ON Commerce

to which was referred **SB 69-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: 4-0

AMENDMENT # 0111s

Senator Donna Soucy
For the Committee

Aaron Jones 271-4063

COMMERCE

SB 69-FN, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Ought to Pass with Amendment, Vote 4-0.

Senator Donna Soucy for the committee.

Docket of SB69

Docket Abbreviations

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

Official Docket of SB69.:

Date	Body	Description
1/19/2021	S	Introduced 01/06/2021 and Referred to Commerce; SJ 3
1/20/2021	S	Remote Hearing: 01/26/2021, 09:15 am; Links to join the hearing can be found in the Senate Calendar; SC 8
1/27/2021	S	Committee Report: Ought to Pass with Amendment #2021-0111s , 02/04/2021; SC 9
2/4/2021	S	Committee Amendment #2021-0111s , RC 24Y-0N, AA; 02/04/2021; SJ 3
2/4/2021	S	Ought to Pass with Amendment 2021-0111s, RC 24Y-0N, MA; OT3rdg; 02/04/2021; SJ 3
3/10/2021	H	Introduced (in recess of) 02/25/2021 and referred to Commerce and Consumer Affairs HJ 4 P. 48
3/17/2021	H	Public Hearing: 03/30/2021 10:30 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/99157160886 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/5/2021	H	Executive Session: 05/13/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/93883325643
5/24/2021	H	Retained in Committee
8/17/2021	H	Subcommittee Work Session: 09/07/2021 03:15 pm LOB 302-304
10/6/2021	H	Subcommittee Work Session: 10/13/2021 09:30 am LOB 302-304
10/26/2021	H	Executive Session: 10/26/2021 10:00 a.m. LOB306-308
11/8/2021	H	Majority Committee Report: Ought to Pass with Amendment #2021-2175h NT 10/29/2021 (Vote 10-9; RC) HC 48 P. 23
11/8/2021	H	Minority Committee Report: Ought to Pass
1/9/2022	H	Lay on Table (Rep. Hunt): MA DV 180-155 01/05/2022 HJ 1

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 69-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 # 21-0045 - amendment # _____
- amendment # 21-0113 - 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

7/21/21
Date

Senate Clerk's Office [Signature]