



# Legislative Update

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## Health Insurance Reform Law Aids Nursing Mothers

Most of the attention related to health insurance reform has been given to the area of employee benefit coverage, but there are other important provisions employers need to address. Under the new law, nursing mothers are guaranteed "reasonable" unpaid breaks in order to express milk. The law also requires employers to provide a private place for mothers, other than a bathroom, for up to one year after a nursing child's birth. Several states already have laws relating to breastfeeding in the workplace. The new federal amendment does not pre-empt those state laws and only clarifies that such measures are now applicable to all 50 states.

The new federal law applies to all, but those with fewer than 50 workers do not have to comply if they show "an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business." This aspect of the law is actually an amendment to the nation's existing minimum wage and overtime laws and covers the non-exempt workers subject to those laws. Generally, this means the law applies to hourly workers (many retail workers, factory workers, restaurant workers, and call center workers, for example) and other employees who work on an hourly basis and who are subject to overtime laws. "Exempt" workers are salaried employees ("exempt" from overtime), often in managerial positions. They are not covered by the new federal law. Many of these workers, particularly those employed by large companies, have workplace accommodation as part of company policy.

This law was effective immediately upon President Obama's signing of the *Patient Protection and Affordable Care Act*, however the rules for enforcement have not yet been put in place. Employers are encouraged to begin making the necessary arrangements to accommodate employees and to carefully evaluate the final rules once published by the government. While the new federal law applies to all states, several states already have laws in place related to breastfeeding. In the event such laws provide for greater benefits for workers, they shall remain in effect. [Click here](#) for a state-by-state description of the laws already in place that employers must comply with.

As additional information becomes available on this topic, Conner Strong will issue updates. Employers should check with their Human Resources office to ensure compliance with this unique aspect of the new law. For information related to national health insurance reform, please visit our compliance center on insurance reform at [www.connerstrong.com/healthcare\\_reform](http://www.connerstrong.com/healthcare_reform). If you have questions, **please contact your Conner Strong account representative toll-free at 1-877-861-3220.**

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