

Press Release

Georgia Breastfeeding Coalition www.GeorgiaBreastfeedingCoalition.org

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Atlanta, Georgia

The 2020 Georgia Legislative session was a big win for breastfeeding families in Georgia!

Despite the ongoing COVID-19 Pandemic interrupting the 2020 Georgia legislative session, two landmark bills were passed by both Chambers and have been signed into law by Governor Brian Kemp. HB 1090 grants breastfeeding employees in Georgia additional workplace accommodations, and HB 1114 gives Medicaid recipients access to lactation care and services.

Workplace Accommodation: While the Federal Fair Labor Standards Act (FLSA) currently requires covered employers to provide reasonable, unpaid break time to hourly employees to express milk for a nursing child up to one year after the child's birth and requires that the employer provide employees a private place that is not a bathroom, salaried workers are not similarly protected. Georgia law (O.C.G.A. § 34-1-6) until yesterday had permissive language, stating that "an employer may, but is not required to, provide reasonable, unpaid break time to an employee who needs to pump breast milk for an infant child." It additionally stated that "an employer may, but is not obligated to, make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, for the employee to pump breast milk."

The amended law, through HB 1090, was sponsored by Representative Deborah Silcox (R-Sandy Springs) and carried in the Senate by Senator Zahra Karinshak (D-Duluth), removed the specificity of 'needs' to pump milk and the age of the child and changes the "may" language to "shall." It now reads, "An employer shall provide break time of a reasonable duration to an employee who desires to express breast milk at the worksite during work hours." The bill further specifies that the break time will be paid and that a private space be provided that is not a restroom. It further specifies that government agencies and public schools must provide a private space in "close proximity to the employee's work area." The new law also extends to both hourly and salaried employees in both the private and public sectors. Only a few other states currently have laws with all of these accommodations. The law, however, does have an undue hardship exemption for small businesses, mirroring federal law.

Lactation Support: Another landmark bill, HB 1114, extends Medicaid on two fronts. It lengthens maternal postpartum coverage from the current 60 days to six months, and it provides a lactation care and services benefit to Medicaid recipients. This bill passed the House under the leadership of Representative Sharon Cooper, R.N. (R-Marietta) and was carried in the Senate by Senator Kay Kirkpatrick, M.D. (R-Marietta). Because these new provisions may have to go through a federal application process, it may be several months before these provisions of this law can be implemented.

This law addresses the current inequities around access to lactation care and services in Georgia. Currently, the Affordable Care Act requires private insurance plans to cover lactation care as a maternal benefit, but such benefit did not extend to Georgia's Medicaid recipients. In Georgia, approximately one half of all births are paid for by Medicaid. The new Georgia law, once implemented, will provide lactation care not only as a Medicaid maternal benefit, but care as a child benefit too.

It is anticipated that this benefit will pay for itself with evidence showing that infants who are breastfed for just three months save at least \$750 in medical care costs in their first year of life when compared to those who are not breastfed.

We applaud the Georgia legislature and Governor Kemp for their leadership in supporting the families of Georgia with these two pieces of important legislation.