

SECOND REGULAR SESSION

SENATE BILL NO. 1271

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

4336S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 160.995, RSMo, and to enact in lieu thereof one new section relating to lactation accommodations in public schools.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 160.995, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.995, to read as follows:

160.995. 1. Before July 1, [2022] 2027, the local board of education of each school district **and the governing board of each charter school** shall adopt a written policy that requires the administration of each public school building within the district **or the charter school, as applicable**, to provide accommodations to lactating employees, teachers, and students to express breast milk, breast-feed a child, or address other needs relating to breast-feeding. The policy shall include provisions that require the district **or charter school** to provide a minimum of three opportunities during a school day, at intervals agreed upon by the district **or charter school** and the individual, to accommodate an employee's, teacher's, or student's need to express breast milk or breast-feed a child. The policy shall include provisions that require such accommodations to be available to each lactating employee, teacher, or student for at least one year

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 following the birth of the employee's, teacher's, or
19 student's child, and that permit such accommodations to be
20 available for longer than one year as determined by each
21 local school board **or charter school governing board**.

22 2. District **and charter school** policies shall require
23 each school building to contain suitable accommodation in
24 the form of a **private and secure** room, other than a
25 restroom, for the exclusive use of women **and lactating**
26 **students** to express breast milk or breast-feed a child.
27 Such accommodation shall be located in close proximity to a
28 sink with running water and a refrigerator for breast milk
29 storage and have, at a minimum, the following features:

30 (1) Ventilation and a door that may be locked for
31 privacy;

32 (2) A work surface and a chair; and

33 (3) Conveniently placed electrical outlets.

34 3. **A public school or charter school shall:**

35 (1) **Ensure that a lactating student shall be provided**
36 **a reasonable amount of time to accommodate the need to**
37 **express breast milk; and**

38 (2) **Provide that a student shall not incur an academic**
39 **penalty as a result of the use, during the school day, of**
40 **the accommodations provided pursuant to this section.**

41 4. The department of elementary and secondary
42 education shall develop a model policy that satisfies the
43 requirements of subsections 1 **[and 2] to 3** of this section
44 before January 1, **[2022] 2027**.

45 **[4.] 5.** The department of elementary and secondary
46 education may promulgate all necessary rules and regulations
47 for the administration of this section. Any rule or portion
48 of a rule, as that term is defined in section 536.010, that
49 is created under the authority delegated in this section

50 shall become effective only if it complies with and is
51 subject to all of the provisions of chapter 536 and, if
52 applicable, section 536.028. This section and chapter 536
53 are nonseverable and if any of the powers vested with the
54 general assembly pursuant to chapter 536 to review, to delay
55 the effective date, or to disapprove and annul a rule are
56 subsequently held unconstitutional, then the grant of
57 rulemaking authority and any rule proposed or adopted after
58 August 28, 2021, shall be invalid and void.

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