

116TH CONGRESS  
1ST SESSION

# H. R. 866

---

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2019

Received; read twice and referred to the Committee on Environment and  
Public Works

---

## AN ACT

To provide a lactation room in public buildings.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fairness For  
3 Breastfeeding Mothers Act of 2019”.

4 **SEC. 2. LACTATION ROOM IN PUBLIC BUILDINGS.**

5 (a) LACTATION ROOM IN PUBLIC BUILDINGS.—  
6 Chapter 33 of title 40, United States Code, is amended  
7 by adding at the end the following new section:

8 **“§ 3318. Lactation room in public buildings**

9 “(a) DEFINITIONS.—In this section:

10 “(1) APPROPRIATE AUTHORITY.—The term ‘ap-  
11 propriate authority’ means the head of a Federal  
12 agency, the Architect of the Capitol, or other official  
13 authority responsible for the operation of a public  
14 building.

15 “(2) COVERED PUBLIC BUILDING.—The term  
16 ‘covered public building’ means a public building (as  
17 defined in section 3301) that is open to the public  
18 and contains a public restroom, and includes a build-  
19 ing listed in section 6301 or 5101.

20 “(3) LACTATION ROOM.—The term ‘lactation  
21 room’ means a hygienic place, other than a bath-  
22 room, that—

23 “(A) is shielded from view;

24 “(B) is free from intrusion; and

1           “(C) contains a chair, a working surface,  
2           and, if the public building is otherwise supplied  
3           with electricity, an electrical outlet.

4           “(b) LACTATION ROOM REQUIRED.—Except as pro-  
5           vided in subsection (c), the appropriate authority of a cov-  
6           ered public building shall ensure that the building contains  
7           a lactation room that is made available for use by mem-  
8           bers of the public to express breast milk.

9           “(c) EXCEPTIONS.—A covered public building may be  
10          excluded from the requirement in subsection (b) at the dis-  
11          cretion of the appropriate authority if—

12                 “(1) the public building—

13                         “(A) does not contain a lactation room for  
14                         employees who work in the building; and

15                         “(B) does not have a room that could be  
16                         repurposed as a lactation room or a space that  
17                         could be made private using portable materials,  
18                         at a reasonable cost; or

19                         “(2) new construction would be required to cre-  
20                         ate a lactation room in the public building and the  
21                         cost of such construction is unfeasible.

22           “(d) NO UNAUTHORIZED ENTRY.—Nothing in this  
23          section shall be construed to authorize an individual to  
24          enter a public building or portion thereof that the indi-  
25          vidual is not otherwise authorized to enter.”.

1           (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 33 of title 40, United States  
3 Code, is amended by inserting after the item related to  
4 section 3316 the following new item:

“3318. Lactation room in public buildings.”.

5           (c) EFFECTIVE DATE.—The amendments made by  
6 this section shall take effect 1 year after the date of the  
7 enactment of this Act.

Passed the House of Representatives February 6,  
2019.

Attest:

KAREN L. HAAS,  
*Clerk.*