

Bill No. 11-22  
Concerning: Buildings – Lactation Rooms  
in County Buildings - Required  
Revised: 7/15/2022 Draft No. 3  
Introduced: June 14, 2022  
Enacted: July 26, 2022  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Friedson  
Co-Sponsors: Councilmembers Hucker, Albornoz, Katz, Navarro, Glass, Riemer, Jawando, and  
Rice

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**AN ACT** to:

- (1) require County buildings to include a lactation room for County employees or provide alternative accommodations;
- (2) require employees to receive break time for lactation needs;
- (3) require the County Executive to establish personnel regulations for certain accommodations;
- (4) require certain educational materials posted on the County’s website; and
- (5) generally amend the law regarding buildings and personnel regulations.

By amending  
Montgomery County Code  
Chapter 8, Buildings  
Section 8-14C

By amending  
Montgomery County Code  
Chapter 33, Personnel and Human Resources  
Sections 33-27 and 33-28

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec 1. Sections 8-14C, 33-27, and 33-28 are amended as follows:**

2   **8-14C. [Reserved] Lactation Rooms in County Buildings.**

3           (a) Definitions. In this Section, the following terms have the meanings  
 4           indicated.

5           County building means a building, whether existing or newly constructed,  
 6           that is owned or leased by the County where County employees work.

7           County employee has the meaning stated in Section 33-6.

8           Department means the Department of General Services.

9           Director means the Director of General Services or the Director’s  
 10          designee.

11          Lactation room means a designated sanitary room, other than a bathroom,  
 12          made available for expressing breast milk, that:

- 13          (1) is shielded from view;
- 14          (2) is free from public or coworker intrusion;
- 15          (3) displays appropriate signage that indicates “lactation room” or  
 16          “nursing room;” and
- 17          (4) contains the following:
  - 18               (A) a chair;
  - 19               (B) a flat surface to place a breast pump;
  - 20               (C) [[a sink with running water;]]  
 21               can be locked or secured from the inside;
  - 22               (D) a small refrigerator;
  - 23               (E) a microwave;
  - 24               (F) at least one or more electrical outlets; and
  - 25               (G) any other related supplies as provided in regulations.

26          (b) Lactation room – required.

27           (1) New Construction. ~~[[Except as provided in subsection (c) or (d),]]~~  
 28           [the] The Department must provide at least one lactation room that  
 29           includes a sink with running water in each newly constructed County  
 30           building that is available for use by any County employee to express  
 31           breast milk.

32           (2) Existing Buildings. Except as provided in subsection (c) or (d), the  
 33           Department must provide at least one lactation room in an existing  
 34           County building that includes a sink with running water and plumbing  
 35           systems. If a sink with running water and plumbing systems cannot be  
 36           provided, the lactation room must have nearby access to running water.

37           (c) Alternative Accommodation. If the Director determines that a County  
 38           building does not have a room that could be repurposed as a lactation  
 39           room, at a reasonable cost, the Department must consider alternative  
 40           accommodations. Alternative accommodation includes installing or  
 41           creating a space for a portable lactation room or station.

42           (1) The Executive may enter into a memorandum of understanding  
 43           between the Department and an owner that offers, for sale or lease,  
 44           a portable lactation room or station to meet the requirement for  
 45           subsection (c).

46           (d) Exceptions. A County building may be excluded from the requirement  
 47           under subsection (b), if the building:

48           (1) is solely a warehouse;

49           (2) is primarily used for archives; or

50           (3) would require new construction to create a room and the cost of  
 51           such construction is unfeasible.

52 (e) Regulations. The Director may promulgate Method (2) regulations to  
 53 implement the requirements of this Section.

54 (f) Assessment. The Department must complete, or cause to be complete, an  
 55 assessment and survey of all applicable County buildings for the  
 56 inclusion of a lactation room.

57 (g) Reporting. The Department must report to the County Council any  
 58 findings, outcomes, and progress of the assessment required under  
 59 subsection (f).

60 **33-27. [Reserved] Break Time for Lactation.**

61 (a) An employee must be provided with reasonable break time during the  
 62 workday to accommodate the need for lactation.

63 (b) [[The break time must run concurrently with any lunch or normal break  
 64 already provided to the employee unless an alternative schedule has been  
 65 approved by the employee’s supervisor.]] Compensation. The County  
 66 may not be required to compensate an employee receiving reasonable  
 67 break time under subsection (a) for any time spent expressing breast milk  
 68 at work.

69 (c) Regulations. The Director may promulgate Method (2) regulations to  
 70 implement the requirements of this Section.

71 **33-28. [Reserved] Lactation Accommodation Policy.**

72 (a) Personnel regulations. The County Executive must adopt personnel  
 73 regulations under Method (1) to establish a lactation accommodation  
 74 policy. The policy, at a minimum, must contain guidelines regarding:

75 (1) the process to request the use of a lactation room, as provided  
 76 under Section 8-14C(b);

77 (2) the process to request break time under Section 33-27;

78           (3) the availability of a lactation room as required under subsection  
 79           (c); and

80           (4) best practices for maintenance of room, including recommended  
 81           general cleaning of milk expression areas and storage of breast  
 82           milk in the designated refrigerator.

83       (b) Outreach and Education. The Director of the Office of Human Resources  
 84       must provide, or cause to be provided, on its website informational  
 85       materials related to prenatal and postpartum breastfeeding for County  
 86       employees.

87       (c) The Director of the Office of Human Resources, by use of existing or  
 88       potential resources, must establish a method to communicate with County  
 89       employees:

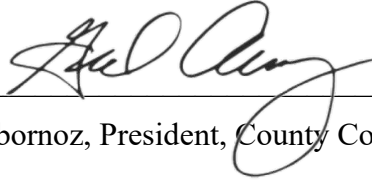
90           (1) the location of a lactation room in a County building; and

91           (2) the availability of that room for use.

92       **Sec. 2. [[Implementation]] Effective Date.** The County Executive must issue  
 93 any policy and regulations required under this Act[, and make available the required  
 94 lactation rooms,] within 6 months after the effective date of this Act. Subsection (f)  
 95 of Section 8-14(C), added under Section 1 of this Act, an assessment must take effect  
 96 3 months after the Act becomes law. Subsection (b)(2) and (c) of Section 8-14(C),  
 97 added under Section 1 of this Act, requires complete planning, design, construction, or  
 98 installation of lactation rooms in the highest occupancy buildings, as identified in the  
 99 assessment report, this must take effect 9 months after the Act becomes law.  
 100 Subsection (b)(2) of Section 8-14(C), added under Section 1 of this Act, requires all  
 101 remaining existing buildings to include a lactation room, this must take effect 21  
 102 months after the Act becomes law. Subsection (g) of Section 8-14(C), added under

103 Section 1 of this Act, periodic reporting must occur at 3 months, 9 months, and 21  
104 months after the Act becomes law.

*Approved:*



7/28/2022

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Gabriel Albornoz, President, County Council

Date

*Approved:*

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Marc Elrich, County Executive

Date

*This is a correct copy of Council action.*

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Judy Rupp, Clerk of the Council

Date