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

The County Council for Montgomery County, Maryland approves the following Act:
Sec 1. Sections 8-14C, 33-27, and 33-28 are amended as follows:

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

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

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

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

Department means the Department of General Services.

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

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

(1) is shielded from view;

(2) is free from public or coworker intrusion;

(3) displays appropriate signage that indicates “lactation room” or “nursing room;” and

(4) contains the following:

(A) a chair;

(B) a flat surface to place a breast pump;

(C) [a sink with running water;]

can be locked or secured from the inside;

(D) a small refrigerator;

(E) a microwave;

(F) at least one or more electrical outlets; and

(G) any other related supplies as provided in regulations.

(b) Lactation room – required.
(1) **New Construction.** [[Except as provided in subsection (c) or (d).]]

The Department must provide at least one lactation room that includes a sink with running water in each newly constructed County building that is available for use by any County employee to express breast milk.

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

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

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

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

(1) is solely a warehouse;

(2) is primarily used for archives; or

(3) would require new construction to create a room and the cost of such construction is unfeasible.
(e) **Regulations.** The Director may promulgate Method (2) regulations to implement the requirements of this Section.

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

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

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

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

(b) The break time must run concurrently with any lunch or normal break already provided to the employee unless an alternative schedule has been approved by the employee’s supervisor.

(c) **Compensation.** The County may not be required to compensate an employee receiving reasonable break time under subsection (a) for any time spent expressing breast milk at work.

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

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

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

2. the process to request break time under Section 33-27;
(3) the availability of a lactation room as required under subsection (c); and

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

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

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

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

(2) the availability of that room for use.

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

Gabriel Albornoz, President, County Council  7/28/2022

Approved:

Marc Elrich, County Executive  7/28/2022

This is a correct copy of Council action.

Judy Rupp, Clerk of the Council  7/28/2022