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NEW ADDITION TO INDIANA CODE

April 17, 2008

Effective July 1, 2008, Section 2. IC 5-10-6-2 of the Indiana Senate Bill 0219 will be enacted providing lactation support in the workplace.

Section 2 of the Indiana Senate Bill 0219 requires the following:

1. Employers shall provide for reasonable paid breaks for employees to express breast milk for their infant child. The break time must, if possible, run concurrently with any break time already provided to employees. Employers are not required to provide break time under this section if providing break time would unduly disrupt the operations of the employer.
2. Employers shall make reasonable efforts to provide a room or other location, other than a toilet stall, in close proximity to the work area, where employees can express their breast milk in privacy during any period away from their assigned duties.
3. Employers shall make reasonable efforts to provide a refrigerator or other cold storage space for storing breast milk; or allow employees to store their breast milk in their own portable storage device until the end of their work day.

Except in cases of willful misconduct, gross negligence, or bad faith, an employer is not liable for any harm caused by or arising from either of the following that occur on the employer's premises:

- a. The expressing of employees' breast milk.
- b. The storage of expressed milk.



Recommended Next Steps for Employers:

Before July 1, 2008, employers should perform the following:

1. Provide employees who wish to express breast milk for their infant child a private room, other than a toilet stall, and away from their assigned duties.
2. If possible, provide employees a refrigerator or other cold storage space for storing breast milk. If this is not possible, allow employees to bring their own portable storage device to store their breast milk until the end of their work day.
3. As always with new laws and regulations, notify your employees of these entitlements and what steps you are taking to comply with the new provisions.

Waggoner, Irwin, Scheele & Associates are prepared to help your organization with the new Indiana Senate Bill 0219 entitlements. We are committed to help you stay compliant with the law and our knowledgeable consultants are ready to provide you the valuable insight needed to move forward.

Please contact Kent Irwin with specific questions at 765.286.5195.

News and updates regarding the new Senate Bill 0219 entitlements will be posted on our website: www.wisconsultants.com

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