# Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2016 Regular Session

### **Part I: Measure Information**

Bill Request #: 24
Bill #: SB 34
Bill Subject/Title: AN ACT relating to breast-feeding.
Sponsor: Senator Reginald Thomas
Unit of Government:xCityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment
Office(s) Impacted: city and county governments
Requirement: <u>x</u> Mandatory Optional
Effect on Powers & Duties: <u>x</u> Modifies Existing <u>x</u> Adds New Eliminates Existing

## Part II: Purpose and Mechanics

Section 1 of SB 34 amends KRS 211.755 relating to workplace standards for an employee who is a nursing mother. Prohibition or restrictions against breast-feeding a child or expressing breast milk in any public or private location may be reported to the local health department, independent health department or county health department for investigation. Section 2 of SB 34 amends KRS 211.990 to state that any municipality that violates KRS 211.755 (2) or (3) shall be fined \$500 for a first offense and \$1,000 for each subsequent offense.

#### Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

#### The fiscal impact of SB 34 on local government is expected to be minimal.

The Kentucky League of Cities states that since cities are already prohibited from barring or restricting breastfeeding under KRS 211.755, the addition of the fine should not have much of an impact. Cities should have already taken any applicable ordinances off the books since KRS 211.755 was first enacted in 2006, although it's possible some have not repealed or amended these ordinances in that time. If they haven't, then cities would

have the cost to prepare and publish a new ordinance in the local newspaper to repeal or amend them.

In general, it is not known how many local governments have ordinances or personnel policies concerning breast-feeding. Although SB 34 does not specifically require municipalities to actively and immediately amend or repeal contradictory ordinances, some municipalities might do so on their own initiative. Further, KRS 83A.060(11) requires that, every five years, municipalities revise their ordinances to eliminate "redundant, obsolete, inconsistent, and invalid provisions." Accordingly, any local government that acts to conform its ordinances with SB 34 will incur costs associated with the repeal or revision of existing ordinances including advertising the revision in a local newspaper, placing the revision on the business docket for necessary action, and printing a revised list of ordinances. The costs associated with this bill would be less if the repeal or revision were done in conjunction with this periodic updating of ordinances or if part of any fine might be applied to the costs to administer or monitor.

#### **Data Source(s):** <u>Kentucky League of Cities, Kentucky Health Department Association.</u>

<b>Date:</b> 1/1/10	Preparer: John V. Ryan Reviewer: JWN Date: 1/19/16	
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