

1 AN ACT relating to lactation accommodations for students of public institutions of
2 postsecondary education.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) Each public institution of postsecondary education shall provide reasonable*
7 *accommodations to a lactating student on a school campus or in a school facility*
8 *to express breast milk during the first year after the birth of a child, breastfeed or*
9 *chestfeed an infant child, or address other needs related to lactation. Reasonable*
10 *accommodations under this section shall include but are not limited to:*

11 *(a) Access to a place, other than a restroom, that is shielded from view and free*
12 *from intrusion to express breast milk or breastfeed or chestfeed an infant*
13 *child;*

14 *(b) Permission to bring onto a school campus or into a school facility a breast*
15 *pump and any other equipment used to express breast milk;*

16 *(c) Access to a power source for a breast pump or any other equipment used to*
17 *express breast milk;*

18 *(d) Access to a sink with running water; and*

19 *(e) Access to a place to store expressed breast milk safely.*

20 *(2) A public institution of postsecondary education may use existing facility space to*
21 *meet the requirements specified in subsection (1)(a) of this section.*

22 *(3) A lactating student on a school campus or in a school facility shall be provided a*
23 *reasonable amount of time to accommodate the student's need to express breast*
24 *milk or breastfeed or chestfeed an infant child.*

25 *(4) A student shall not incur an academic penalty as a result of the student's use,*
26 *during school time, of the reasonable accommodations specified in this section*
27 *and the student shall be provided the opportunity to make up any work missed*

1 due to such use. Reasonable accommodations may also include modifications to
2 ensure the student does not miss instruction during milk expression breaks, such
3 as video attendance and note-taking services.

4 (5) (a) Institutions subject to this section shall draft and make publicly available
5 policies and procedures for ensuring this law is implemented in their
6 educational programs and activities.

7 (b) The policies shall include the requirements of this law, the office
8 responsible for responding to accommodation requests, and information on
9 where to file a complaint.

10 (c) While the complaint is being investigated, the educational program shall
11 implement reasonable temporary measures to ensure the lactating student is
12 able to continue learning and meeting the student's health needs.

13 (d) The provisions of this section regarding reasonable accommodation for
14 lactation shall not be construed to limit any other provision of law relating
15 to discrimination or accommodation of lactation, including the right to
16 breastfeed in public pursuant to KRS 211.755 and the right to worksite
17 accommodations pursuant to KRS 344.040.