

**HB**

**26**

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# NFIB

The Voice of Small Business.®

ALASKA

January 23, 2017

The Honorable Geran Tarr  
State Capitol Building  
Juneau, Alaska 99801-1182

RE: House Bill 26

Dear Representative Tarr:


On behalf of the National Federation of Independent Business/Alaska, I wish to respectfully indicate our opposition to House Bill 26 requiring special areas for nursing mothers. The National Federation of Independent Business is the largest small-business advocacy group in Alaska.

House Bill 26 requires businesses to provide special areas for mothers to breastfeed or to express breast milk. This requirement is already included in federal law. It was added by the Affordable Care Act in 2010 by adding Section 7(r) to the Fair Labor Standards Act of 1938 (29 U.S.C. 207). In our discussions with the NFIB national office, we are told that there is no movement to repeal this section of federal law.

One of the greatest problems identified by small businesses is trying to comply with the inordinate number of state and federal regulations. Life becomes even more difficult for small businesses when both the state and the federal governments regulate the same things in their own ways. Trying to please these two separate entities is difficult at best.

This issue is well covered by federal legislation. We do not believe that state legislation is necessary.

Sincerely yours,



Dennis L. DeWitt  
Alaska State Director

Cc: NFIB/AK Leadership Council  
House Labor & Commerce Committee

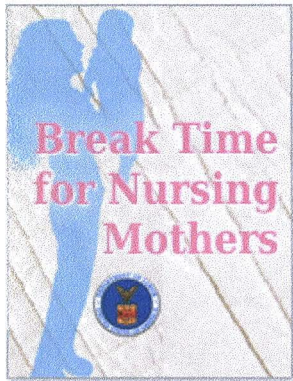
Attachment

# United States Department of Labor

## Wage and Hour Division

### Wage and Hour Division (WHD)

#### Break Time for Nursing Mothers



#### Quick Links

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#### Overview

The Patient Protection and Affordable Care Act ("Affordable Care Act") amended [section 7 of the Fair Labor Standards Act](#) ("FLSA") to require employers to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. **The break time requirement became effective when the Affordable Care Act was signed into law on March 23, 2010.** The Wage and Hour Fact Sheet #73 "Break Time for Nursing Mothers under the FLSA" and the Frequently Asked Questions (FAQs) posted below provide basic information about the law.

#### Key News

- [Request for Information on Break Time for Nursing Mothers](#) , Federal Register 75: 80073-80079, (2010, December 21): This notice is a request for information from the public regarding the recent amendment to the FLSA that requires employers to provide reasonable break time and a place for nursing mothers to express breast milk for one year after the child's birth. The Department seeks information and comments for its review as it considers how best to help employers and employees understand the requirements of the law.
  - [Questions and Answers about the Request for Information](#)
- [Presidential Memorandum for the Director of the Office of Personnel Management](#)
  - [OPM Guidance on Nursing Mothers in the Federal Workforce](#)

#### General Guidance

- [WHD Fact Sheet #73, Break Time for Nursing Mothers under the FLSA](#)