

HOUSE No. 3659

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act establishing the Massachusetts pregnant workers fairness act. *WFM Amend*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 4 of chapter 151B of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out, in lines 5 and 6, the words "or ancestry of
3 any individual" and inserting in place thereof the following words:-

4 ancestry of any individual, pregnancy or a condition related to pregnancy, including, but
5 not limited to, the need to express breast milk for a nursing child.

6 SECTION 2. Said section 4, as so appearing, is hereby amended by inserting after
7 subsection 1D the following subsection:-

8 1E. (a) For an employer to deny reasonable accommodations for pregnancy or any
9 condition of an employee related to pregnancy if the employee so requests, unless the employer
10 can demonstrate that the accommodation would impose an undue hardship on the employer's
11 program, enterprise or business. It shall also be an unlawful practice under this subsection to:

12 (1) take adverse action against an employee who requests or uses a reasonable
13 accommodation in terms, conditions or privileges of employment, including, but not limited to,
14 failing to reinstate the employee to the original employment status or to an equivalent position
15 with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable
16 service credits when the need for reasonable accommodations ceases;

17 (2) deny employment opportunities to an employee, if such denial is based on the need of
18 the employer to make reasonable accommodations to the known conditions related to the
19 pregnancy;

20 (3) require an employee affected by pregnancy or a condition related to pregnancy to
21 accept an accommodation that such employee chooses not to accept, if such an accommodation
22 is unnecessary to enable the employee to perform the essential functions of the job;

23 (4) require an employee to take leave if another reasonable accommodation can be
24 provided to the known conditions related to the pregnancy without undue hardship to the
25 employer;

26 (5) refuse to hire a person who is affected by pregnancy or a condition related to
27 pregnancy and who is capable of performing the essential functions of the position involved with
28 reasonable accommodation, unless the employer can demonstrate that the accommodation would
29 impose an undue hardship on the employer's program, enterprise or business.

30 (b) For the purposes of this subsection:

31 (1) The term "reasonable accommodations" may include, but not be limited to: more
32 frequent or longer paid or unpaid breaks, time off to recover from childbirth with or without pay,

33 acquisition or modification of equipment, seating, temporary transfer to a less strenuous or
34 hazardous position, job restructuring, light duty, break time and private non-bathroom space for
35 expressing breast milk, assistance with manual labor, or modified work schedules; provided,
36 however, that no employer shall be required to discharge any employee, transfer any employee
37 with more seniority, or promote any employee who is not able to perform the essential functions
38 of the job, with or without reasonable accommodations.

39 (2) The term "condition related to pregnancy" shall include, but not be limited to,
40 lactation or the need to express breast milk for a nursing child.

41 (3) The term "undue hardship" shall mean an action requiring significant difficulty or
42 expense. The employer shall have the burden of proving undue hardship. In making a
43 determination of undue hardship, factors to be considered include:

44 (i) the nature and cost of the accommodation needed;

45 (ii) the overall financial resources of the employer;

46 (iii) the overall size of the business of the employer with respect to the number of
47 employees, and the number, type and location of its facilities;

48 (iv) the effect on expenses and resources or the impact otherwise of such accommodation
49 upon the operation of the employer.

50 (c) The employer and employee shall engage in a timely, good faith and interactive
51 process to determine effective reasonable accommodations to enable the employee to perform
52 the essential functions of the employee's job. An employer may require that documentation
53 about the need for a reasonable accommodation come from an appropriate health care or

54 rehabilitation professional. An employee shall not be required to obtain documentation from an
55 appropriate health care or rehabilitation professional for the following accommodations: (1)
56 more frequent restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20
57 pounds. Appropriate professionals shall include, but are not limited to, doctors (including
58 psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech
59 therapists, vocational rehabilitation specialists, midwives, lactation consultants, and licensed
60 mental health professionals. An employer may require documentation for any extension of the
61 accommodation beyond the originally agreed to accommodation.

62 (d) Written notice of the right to be free from discrimination in relation to pregnancy or a
63 condition related to pregnancy, including the right to reasonable accommodations for conditions
64 related to pregnancy pursuant to this subsection shall be distributed by employers in a handbook
65 or other means to:

66 (1) new employees at the commencement of employment;

67 (2) existing employees on or before January 1, 2018;

68 (3) any employee who notifies the employer of a pregnancy or a condition related to
69 pregnancy within 10 days of such notification.

70 (e) Subject to appropriation, the commission shall develop courses of instruction and
71 conduct public education efforts as necessary to inform employers, employees and employment
72 agencies about their rights and responsibilities under this subsection.

73 (f) This subsection shall not be construed to preempt, limit, diminish or otherwise affect
74 any other provision of law relating to sex discrimination or pregnancy, or in any way to diminish

75 the coverage for pregnancy or a condition related to pregnancy under section 105D of chapter
76 149, or any other special or general law.

House, No. 3659

BILL ESTABLISHING THE
MASSACHUSETTS PREGNANT
WORKERS FAIRNESS ACT.

H.R., **MAY 01 2017**

*Read, and referred, under Rule 33, to
the committee on Ways and Means.*

Stewart T. James, Clerk

H.R., **MAY 08 2017**

*Read, and Referred, under Rule 7A, to the
committee on Steering, Policy and Scheduling.
with H. 3680 pending.*

Stewart T. James, Clerk

MAY 08 2017, Reported, and
placed in O.D. for a second reading.

[Signature]
For the committee.

May 10, 2017, - Read 2nd., and
amended (as recom. by W&M) by
substitution of House, No. 3680.

SENATE No. 1023

The Commonwealth of Massachusetts

PRESENTED BY:

Joan B. Lovely

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the Massachusetts pregnant workers fairness act.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/23/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/2/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/23/2017</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>	<i>1/25/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>1/25/2017</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/26/2017</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/26/2017</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/26/2017</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/27/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/27/2017</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>1/27/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/27/2017</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/2/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/27/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/30/2017</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/30/2017</i>

<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	<i>1/30/2017</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>	<i>1/31/2017</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/31/2017</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/31/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2017</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/1/2017</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>	<i>2/1/2017</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>2/1/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/2/2017</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>2/2/2017</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/2/2017</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/2/2017</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>2/2/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/2/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/2/2017</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/2/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Jerald A. Parisella</i>	<i>6th Essex</i>	<i>2/2/2017</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/3/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/3/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/3/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/3/2017</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>2/3/2017</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>2/3/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/3/2017</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	<i>2/3/2017</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	<i>2/3/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/3/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/3/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/3/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>2/3/2017</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>	<i>2/3/2017</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/3/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2017</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and</i>	<i>2/3/2017</i>

	<i>Middlesex</i>	
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/3/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/21/2017</i>

SENATE No. 1023

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 1023) of Joan B. Lovely, Michelle M. DuBois, Eric P. Lesser, Jack Lewis and other members of the General Court for legislation to establish the Massachusetts pregnant workers fairness act. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act establishing the Massachusetts pregnant workers fairness act.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 4 of chapter 151B of the General Laws is hereby amended by
2 striking out, in line 5, the word “or” and inserting, in line 6, after the words “ancestry of any
3 individual”, the following words:-

4 or pregnancy, or a related condition, including, but not limited to, the need to express
5 breast milk for a nursing child.

6 SECTION 2. Said section 4 is hereby amended by inserting after subsection 1D the
7 following subsection:-

8 1E. (a) For an employer to deny reasonable accommodations for any condition of an
9 employee related to pregnancy or related conditions if the employee so requests, unless the
10 employer can demonstrate that the accommodation would impose an undue hardship on the
11 employer’s program, enterprise, or business. It shall also be an unlawful practice under this
12 subsection to:

13 (1) take adverse action against an employee who requests or uses a reasonable
14 accommodation in terms, conditions or privileges of employment, including, but not limited to,
15 failing to reinstate the employee to her original job or to an equivalent position with equivalent
16 pay and accumulated seniority, retirement, fringe benefits and other applicable service credits
17 when her need for reasonable accommodations ceases;

18 (2) deny employment opportunities to an employee, if such denial is based on the need of
19 the employer to make reasonable accommodations to the known conditions related to the
20 pregnancy or related conditions of the employee;

21 (3) require an employee affected by pregnancy or related conditions to accept an
22 accommodation that such employee chooses not to accept, if such an accommodation is
23 unnecessary to enable the employee to perform the essential functions of her job;

24 (4) require an employee to take leave if another reasonable accommodation can be
25 provided to the known conditions related to the pregnancy or related conditions of an employee
26 without undue hardship to the employer;

27 (5) refuse to hire a person who is affected by pregnancy or a related condition, capable of
28 performing the essential functions of the position involved with reasonable accommodation,
29 unless the employer can demonstrate that the accommodation would impose an undue hardship
30 on the employer's program, enterprise or business.

31 (b) For the purposes of this subsection:

32 (1) The term "reasonable accommodations" may include, but not be limited to: more
33 frequent or longer paid or unpaid breaks, time off to recover from childbirth with or without pay,

34 acquisition or modification of equipment, seating, temporary transfer to a less strenuous or
35 hazardous position, job restructuring, light duty, break time and private non-bathroom space for
36 expressing breast milk, assistance with manual labor, or modified work schedules; and provided
37 further, that no employer shall be required to discharge any employee, transfer any employee
38 with more seniority, or promote any employee who is not qualified to perform the job. An
39 employee not able to perform the essential functions, with or without reasonable accommodation
40 may be considered not “qualified”.

41 (2) The term “related conditions” shall include, but not be limited to, lactation or the need
42 to express breast milk for a nursing child.

43 (3) The term “undue hardship” shall mean an action requiring significant difficulty or
44 expense. The employer shall have the burden of proving undue hardship. In making a
45 determination of undue hardship, factors to be considered include:

46 (i) the nature and cost of the accommodation;

47 (ii) the overall financial resources of the employer; the overall size of the business of the
48 employer with respect to the number of employees, and the number, type, and location of its
49 facilities;

50 (iii) the effect on expenses and resources or the impact otherwise of such accommodation
51 upon the operation of the employer.

52 (d) The employer and employee shall engage in a timely, good faith, and interactive
53 process to determine effective reasonable accommodations to enable the employee to perform
54 the essential functions of the employee’s job. An employer may require that the documentation

55 about the need for reasonable accommodation come from an appropriate health care or
56 rehabilitation professional. An employee shall not be required to obtain documentation from an
57 appropriate health care or rehabilitation professional for the following accommodations: (1)
58 more frequent restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20
59 pounds.

60 The appropriate professional in any particular situation will depend on the issue related to
61 pregnancy or related condition and the type of functional limitation it imposes including
62 duration. Appropriate professionals include, but are not limited to, doctors (including
63 psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech
64 therapists, vocational rehabilitation specialists, midwives, lactation consultants, and licensed
65 mental health professionals. An employer may require documentation for any extension of the
66 accommodation beyond the originally agreed to accommodation. In requesting documentation,
67 employers should specify what types of information they are seeking regarding the
68 accommodation, its functional limitations, and the need for reasonable accommodation. The
69 individual can be asked to sign a limited release allowing the employer to submit a list of
70 specific questions to the health care or vocational professional.

71 (e) Written notice of the right to be free from discrimination in relation to pregnancy and
72 related conditions, including the right to reasonable accommodations for conditions related to
73 pregnancy or related conditions, pursuant to this subsection shall be distributed in a handbook or
74 other means to:

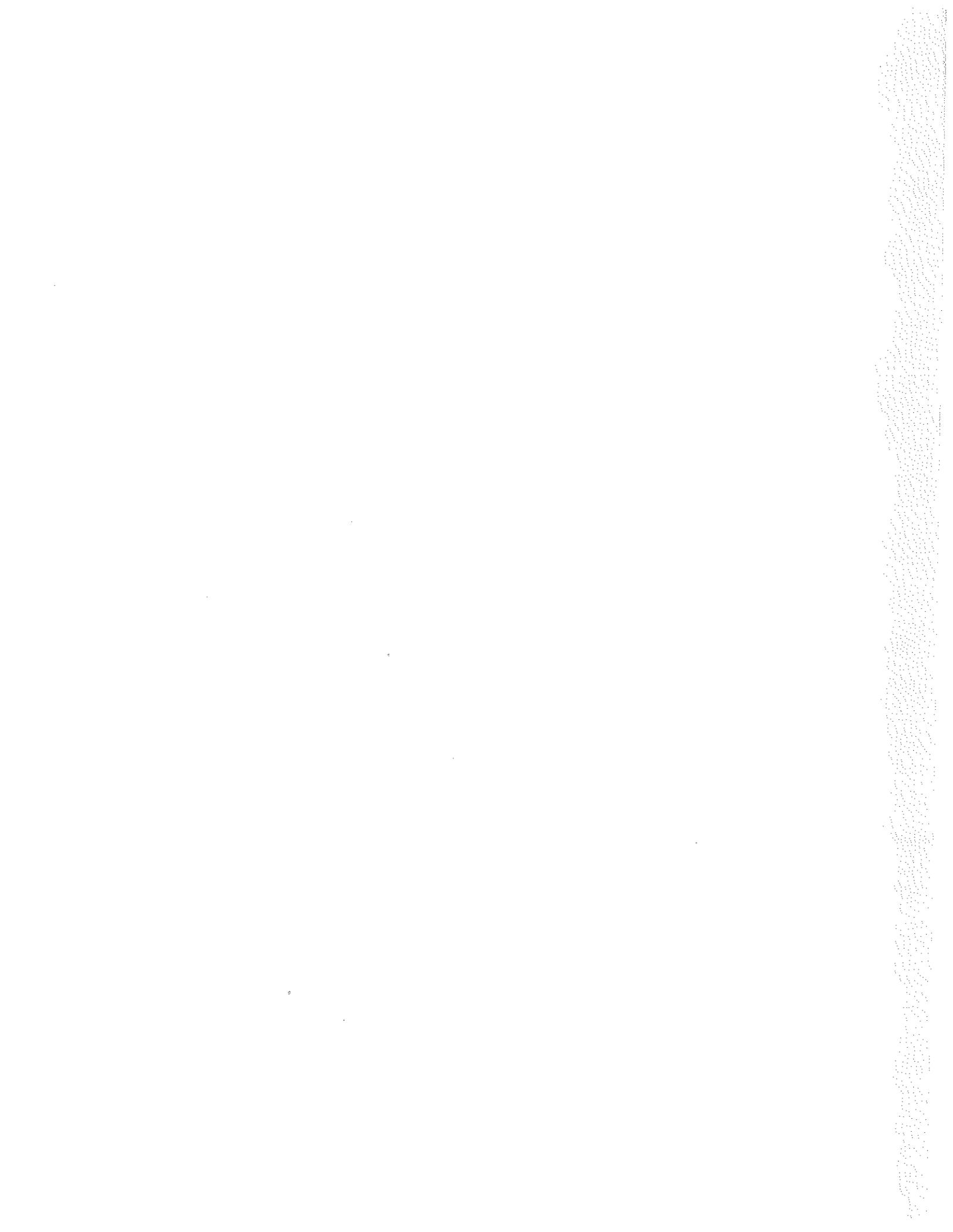
75 (1) new employees at the commencement of employment;

76 (2) existing employees within 120 days after the effective date of the law that added this
77 subsection;

78 (3) any employee who notifies the employer of her pregnancy within 10 days of such
79 notification.

80 (f) The commission shall develop courses of instruction and conduct ongoing public
81 education efforts as necessary to inform employers, employees, and employment agencies, about
82 their rights and responsibilities under this subsection.

83 (g) This subsection shall not be construed to preempt, limit, diminish or otherwise affect
84 any other provision of law relating to sex discrimination or pregnancy, or in any way to diminish
85 the coverage for pregnancy or a condition related to pregnancy under section 105D of chapter
86 149, or any other special or general law.



HOUSE No. 1038

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 1038) of David M. Rogers and others relative to protecting pregnant workers from discrimination in the workplace. Labor and Workforce Development.

HD955

The Commonwealth of Massachusetts

**HOUSE OF
REPRESENTATIVES,**

January 23, 2017.

Referred to the committee
on

**LABOR AND
WORKFORCE
DEVELOPMENT.**

Sent to the Senate for
concurrence.



Clerk:

SENATE,

January 23, 2017.

The Senate concurs



HOUSE No. 1038

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the Massachusetts pregnant workers fairness act.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>

<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>

<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Bud Williams</i>	<i>11th Hampden</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Juana Matias</i>	<i>16th Essex</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>William Driscoll</i>	<i>7th Norfolk</i>

<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>Gerard Cassidy</i>	<i>9th Plymouth</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>

HOUSE No. 1038

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 1038) of David M. Rogers and others relative to protecting pregnant workers from discrimination in the workplace . Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act establishing the Massachusetts pregnant workers fairness act.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 4 of chapter 151B of the General Laws is hereby amended
2 by striking out, in line 5, the word “or” and inserting, in line 6, after the words “ancestry
3 of any individual”, the following words:-
4 or pregnancy, or a related condition, including, but not limited to, the need to
5 express breast milk for a nursing child.

6 SECTION 2. Said section 4 is hereby amended by inserting after subsection 1D
7 the following subsection:-
8 1E. (a) For an employer to deny reasonable accommodations for any condition
9 of an employee related to pregnancy or related conditions if the employee so requests,

10 unless the employer can demonstrate that the accommodation would impose an undue
11 hardship on the employer's program, enterprise, or business. It shall also be an unlawful
12 practice under this subsection to:

13 (1) take adverse action against an employee who requests or uses a reasonable
14 accommodation in terms, conditions or privileges of employment, including, but not
15 limited to, failing to reinstate the employee to her original job or to an equivalent position
16 with equivalent pay and accumulated seniority, retirement, fringe benefits and other
17 applicable service credits when her need for reasonable accommodations ceases;

18 (2) deny employment opportunities to a employee, if such denial is based on the
19 need of the employer to make reasonable accommodations to the known conditions
20 related to the pregnancy or related conditions of the employee;

21 (3) require an employee affected by pregnancy or related conditions to accept an
22 accommodation that such employee chooses not to accept, if such an accommodation is
23 unnecessary to enable the employee to perform the essential functions of her job;

24 (4) require an employee to take leave if another reasonable accommodation can
25 be provided to the known conditions related to the pregnancy or related conditions of an
26 employee without undue hardship to the employer;

27 (5) refuse to hire a person who is affected by pregnancy or a related condition,
28 capable of performing the essential functions of the position involved with reasonable.
29 accommodation, unless the employer can demonstrate that the accommodation would
30 impose an undue hardship on the employer's program, enterprise or business.

31 (b) For the purposes of this subsection:

32 (1) The term "reasonable accommodations" may include, but not be limited to:
33 more frequent or longer paid or unpaid breaks, time off to recover from childbirth with or
34 without pay, acquisition or modification of equipment, seating, temporary transfer to a
35 less strenuous or hazardous position, job restructuring, light duty, break time and private
36 non-bathroom space for expressing breast milk, assistance with manual labor, or
37 modified work schedules; and provided further, that no employer shall be required to
38 discharge any employee, transfer any employee with more seniority, or promote any
39 employee who is not qualified to perform the job. An employee not able to perform the
40 essential functions, with or without reasonable accommodation may be considered not
41 "qualified".

42 (2) The term "related conditions" shall include, but not be limited to, lactation or
43 the need to express breast milk for a nursing child.

44 (3) The term “undue hardship” shall mean an action requiring significant
45 difficulty or expense. The employer shall have the burden of proving undue hardship. In
46 making a determination of undue hardship, factors to be considered include:

- 47 (i) the nature and cost of the accommodation;
- 48 (ii) the overall financial resources of the employer; the overall size of the
49 business of the employer with respect to the number of employees, and the number, type,
50 and location of its facilities;
- 51 (iii) the effect on expenses and resources or the impact otherwise of such
52 accommodation upon the operation of the employer.

53 (d) The employer and employee shall engage in a timely, good faith, and
54 interactive process to determine effective reasonable accommodations to enable the
55 employee to perform the essential functions of the employee’s job. An employer may
56 require that the documentation about the need for reasonable accommodation come from
57 an appropriate health care or rehabilitation professional. An employee shall not be
58 required to obtain documentation from an appropriate health care or rehabilitation
59 professional for the following accommodations: (1) more frequent restroom, food, and
60 water breaks; (2) seating; and (3) limits on lifting over 20 pounds.

61 The appropriate professional in any particular situation will depend on the issue
62 related to pregnancy or related condition and the type of functional limitation it imposes
63 including duration. Appropriate professionals include, but are not limited to, doctors
64 (including psychiatrists), psychologists, nurses, physical therapists, occupational
65 therapists, speech therapists, vocational rehabilitation specialists, midwives, lactation
66 consultants, and licensed mental health professionals. An employer may require
67 documentation for any extension of the accommodation beyond the originally agreed to
68 accommodation. In requesting documentation, employers should specify what types of
69 information they are seeking regarding the accommodation, its functional limitations, and
70 the need for reasonable accommodation. The individual can be asked to sign a limited
71 release allowing the employer to submit a list of specific questions to the health care or
72 vocational professional.

73 (e) Written notice of the right to be free from discrimination in relation to
74 pregnancy and related conditions, including the right to reasonable accommodations for
75 conditions related to pregnancy or related conditions, pursuant to this subsection shall be
76 distributed in a handbook or other means to:

77 (1) new employees at the commencement of employment;

78 (2) existing employees within 120 days after the effective date of the law that

79 added this subsection;

80 (3) any employee who notifies the employer of her pregnancy within 10 days of

81 such notification.

82 (f) The commission shall develop courses of instruction and conduct ongoing

83 public education efforts as necessary to inform employers, employees, and employment

84 agencies, about their rights and responsibilities under this subsection.

85 (g) This subsection shall not be construed to preempt, limit, diminish or

86 otherwise affect any other provision of law relating to sex discrimination or pregnancy, or

87 in any way to diminish the coverage for pregnancy or a condition related to pregnancy

88 under section 105D of chapter 149, or any other special or general law.

House, No. 1038

**BILL ESTABLISHING THE
MASSACHUSETTS PREGNANT
WORKERS FAIRNESS ACT**

Conf. Draft

Conf. Draft

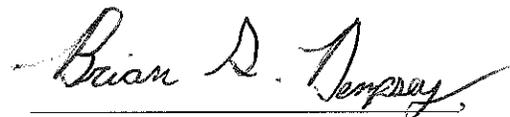
The Commonwealth of Massachusetts

House of Representatives, May 8, 2017

The committee on **WAYS AND MEANS**, to whom was referred the

Bill establishing the Massachusetts Pregnant Workers Fairness Act (House, No. 3659),

REPORT; recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 3680).



Brian S. Dempsey, Chairman
For the Committee

The Commonwealth of Massachusetts

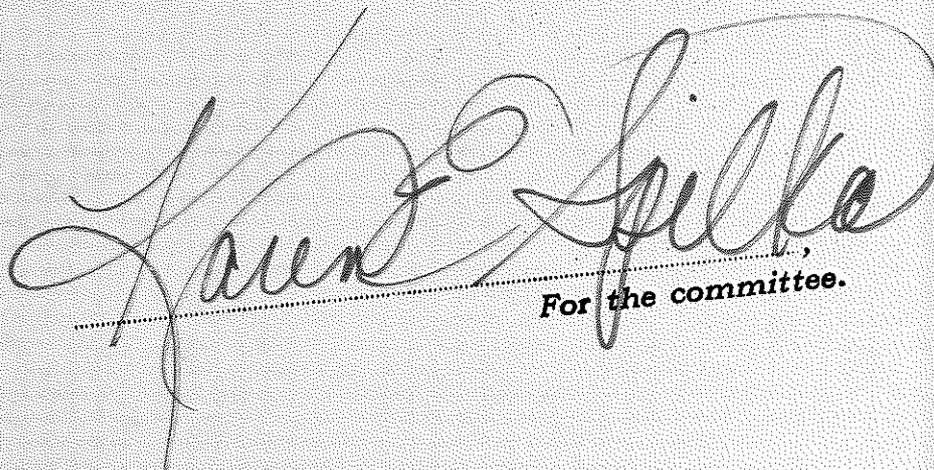
Senate, June 22, 2017 19 .

The committee on Ways and Means, to whom was committed the

House Bill establishing the Massachusetts Pregnant Workers
Fairness Act (House, No. 3680)

REPORT recommending that the same ought to pass.
XXX

with an amendment ~~substituting a new draft with the same title~~
~~(Senate, No. 2093).~~ striking out all after the enacting clause
and inserting in place thereof the text of Senate document
numbered 2093.


For the committee.

Redraft Further Amendment 1.1

Pregnancy Complications

Ms. Lovely moves to further amend amendment #1 by striking out the text and inserting in place thereof the following text:- “, in section 2, by inserting after the word “to”, in line 41, the following words:- “attend to a pregnancy complication or”.

Adopted

*Adopted
#85 38-0
Fahman*

Additional Health Protections

Messrs. Fattman, O'Connor, Tarr and Ross move to amend the bill by inserting after the word "to," in line 4, the following words:- " the health of the unborn child,".

Ad. as amended
Fattman Yes
#55 38-0

Family Friendly

Mr. Tarr moves to amend the bill by inserting after section 4 the following section:-

“SECTION 4A. The executive office of health and human services shall provide a report on the creation of a designation of a business as “Family-Friendly” which may be used in promotional materials if the business develops and implements a written policy supporting the expression of breast milk at the workplace. Such policy may include, but shall not be limited to, the following elements: (i) work schedule flexibility, including scheduling breaks and work patterns to provide time for the expression of breast milk; (ii) accessible private non-bathroom space to express breast milk; (iii) access to an electrical outlet; (iv) access to a clean, safe water source and a sink for washing; and (v) access to hygienic refrigerated storage in the workplace to store breast milk. The report shall consider information from other states which have enacted similar initiatives and include a review of the feasibility and estimated cost of maintaining a list of businesses designated as “Family-Friendly”.

The executive office of health and human services shall file the report with the clerks of the senate and house of representatives, the chairs of the joint committee on labor and workforce development and the chairs of the joint committee on public health not later than March 1, 2018.”.

Adopted

Corrective Amendment

Ms. Spilka moves to amend the bill in section 2, by inserting after the word “breaks”, in line 65, the following words:- “during pregnancy”; and

in said section 2, by inserting after the word “seating”, in line 65, the following words:- “during pregnancy”; and

in said section 2, by inserting after the word “pounds”, in line 65, the following words:- “during pregnancy”; and

in said section 2, by striking out the last sentence of proposed paragraph (c) of proposed subsection 1E of chapter 151B of the General Laws; and

in section 4, by inserting after the word “notice”, in line 95, the following words:- “in a handbook or by other means”.

Adopted

SENATE No. 2093

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

SENATE, Thursday, May 18, 2017

The committee on Ways and Means to whom was referred the House Bill establishing the Massachusetts pregnant workers fairness act (House, No. 3680),-- reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2093

For the committee,
Karen E. Spilka

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

1 SECTION 1. Section 4 of chapter 151B of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the word "ancestry", in lines 5 and 6 and
3 line 89, each time it appears, the following words:- , pregnancy or a condition related to said
4 pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing
5 child.

6 SECTION 2. Said section 4 of said chapter 151B, as so appearing , is hereby further
7 amended by inserting after subsection 1D the following subsection:-

8 1E. (a) For an employer to deny a reasonable accommodation for an employee's
9 pregnancy or any condition related to the employee's pregnancy including, but not limited to,
10 lactation or the need to express breast milk for a nursing child if the employee requests such an
11 accommodation; provided, however, that an employer may deny such an accommodation if the
12 employer can demonstrate that the accommodation would impose an undue hardship on the
13 employer's program, enterprise or business. It shall also be an unlawful practice under this
14 subsection to:

15 (i) take adverse action against an employee who requests or uses a reasonable
16 accommodation in terms, conditions or privileges of employment including, but not limited to,

17 failing to reinstate the employee to the original employment status or to an equivalent position
18 with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable
19 service credits when the need for a reasonable accommodation ceases;

20 (ii) deny an employment opportunity to an employee if the denial is based on the need of
21 the employer to make a reasonable accommodation to the known conditions related to the
22 employee's pregnancy including, but not limited to, lactation or the need to express breast milk
23 for a nursing child;

24 (iii) require an employee affected by pregnancy or by a condition related to a pregnancy
25 including, but not limited to, lactation or the need to express breast milk for a nursing child to
26 accept an accommodation that the employee chooses not to accept, if that accommodation is
27 unnecessary to enable the employee to perform the essential functions of the job;

28 (iv) require an employee to take a leave if another reasonable accommodation may be
29 provided to the known conditions related to the employee's pregnancy including, but not limited
30 to, lactation or the need to express breast milk for a nursing child without undue hardship on the
31 employer's program, enterprise or business;

32 (v) refuse to hire a person who is pregnant because of the pregnancy or because of a
33 condition related to the person's pregnancy which shall include, but shall not be limited to,
34 lactation or the need to express breast milk for a nursing child; provided, however, that the
35 person is capable of performing the essential functions of the position with a reasonable
36 accommodation and that reasonable accommodation would not impose an undue hardship,
37 demonstrated by the employer, on the employer's program, enterprise or business.

38 (b) As used in this subsection, the following words shall have the following meanings
39 unless the context clearly requires otherwise:

40 "Reasonable accommodation", may include, but shall not be limited to: (i) more frequent
41 or longer paid or unpaid breaks; (ii) time off to recover from childbirth with or without pay; (iii)
42 acquisition or modification of equipment or seating; (iv) temporary transfer to a less strenuous or
43 hazardous position; (v) job restructuring; (vi) light duty; (vii) private non-bathroom space for
44 expressing breast milk; (viii) assistance with manual labor; or (ix) a modified work schedule;
45 provided, however, that an employer shall not be required to discharge or transfer an employee
46 with more seniority or promote an employee who is not able to perform the essential functions of
47 the job with or without a reasonable accommodation.

48 "Undue hardship", an action requiring significant difficulty or expense; provided,
49 however, that the employer shall have the burden of proving undue hardship; provided further,
50 that in making a determination of undue hardship, the following factors shall be considered: (i)
51 the nature and cost of the needed accommodation; (ii) the overall financial resources of the
52 employer; (iii) the overall size of the business of the employer with respect to the number of
53 employees and the number, type and location of its facilities; and (iv) the effect on expenses and
54 resources or any other impact of the accommodation on the employer's program, enterprise or
55 business.

56 (c) Upon request for an accommodation from the employee or prospective employee
57 capable of performing the essential functions of the position involved, the employee or
58 prospective employee and the employer shall engage in a timely, good faith and interactive
59 process to determine an effective, reasonable accommodations to enable such employee or

60 prospective employee to perform the essential functions of the employee's job or the position to
61 which the prospective employee has applied. An employer may require that documentation about
62 the need for a reasonable accommodation come from an appropriate health care or rehabilitation
63 professional; provided, however, that an employer shall not require documentation from an
64 appropriate health care or rehabilitation professional for the following accommodations: (i) more
65 frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting over 20 pounds; and
66 (iv) private non-bathroom space for expressing breast milk. An "appropriate health care or
67 rehabilitation professional" shall include, but shall not be limited to, a medical doctor, including
68 a psychiatrist, a psychologist, a nurse practitioner, a physician assistant, a psychiatric clinical
69 nurse specialist, a physical therapist, an occupational therapist, a speech therapist, a vocational
70 rehabilitation specialist, a midwife, a lactation consultant or another licensed mental health
71 professional authorized to perform specified mental health services. An employer may require
72 documentation for an extension of the accommodation beyond the originally agreed to
73 accommodation, unless it is an accommodation listed above not requiring documentation.

74 (d) Written notice of the right to be free from discrimination in relation to pregnancy or a
75 condition related to the employee's pregnancy including, but not limited to, lactation or the need
76 to express breast milk for a nursing child, including the right to reasonable accommodations for
77 conditions related to pregnancy pursuant to this subsection, shall be distributed by an employer
78 to its employees. The notice shall be provided in a handbook or other means of notice to all
79 employees including, but not limited to: (i) new employees at or prior to the commencement of
80 employment; and (ii) an employee who notifies their employer of a pregnancy or an employee
81 who notifies their employer of a condition related to the employee's pregnancy including, but not

82 limited to, lactation or the need to express breast milk for a nursing child within 10 days of such
83 notification.

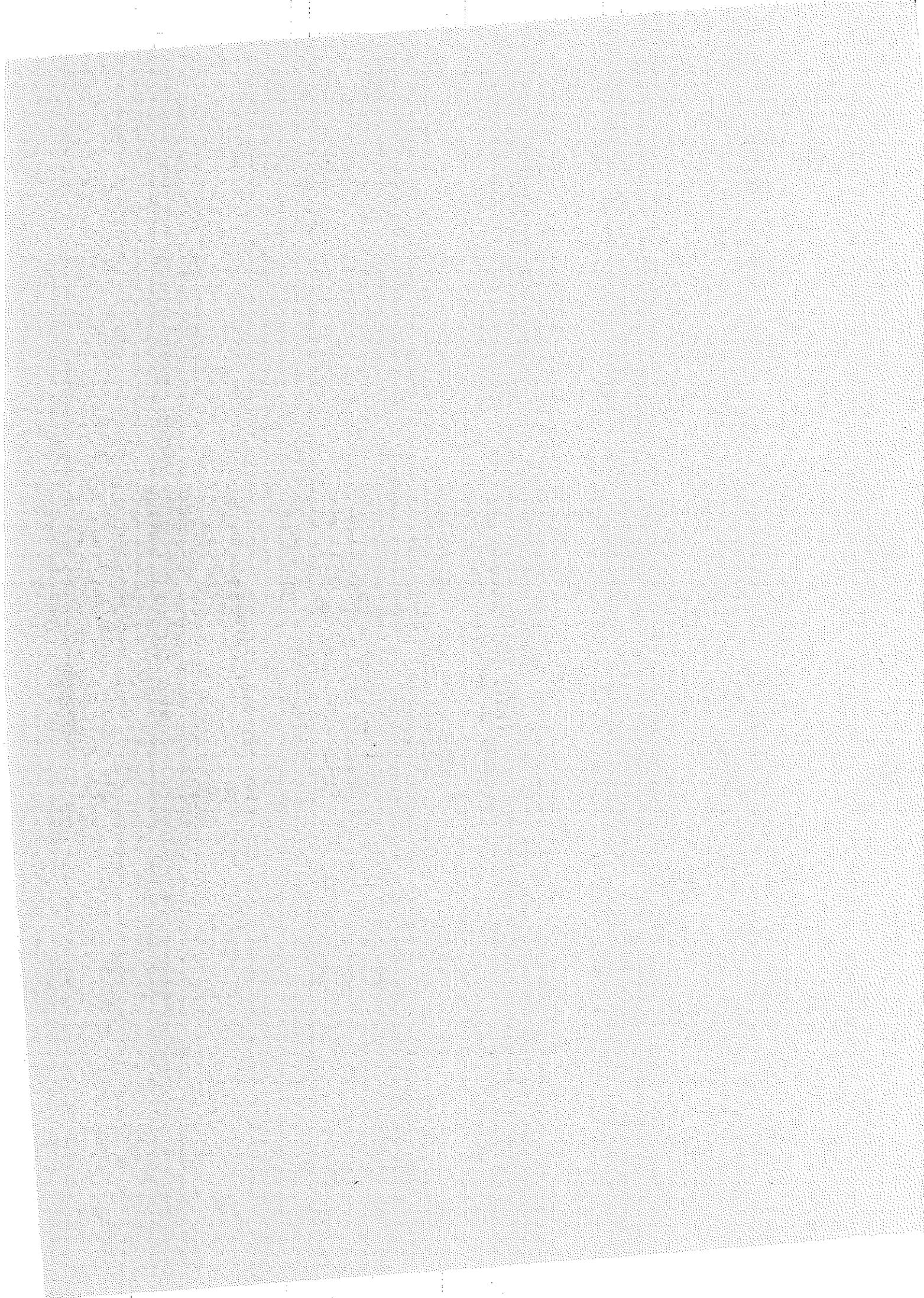
84 (e) Subject to appropriation, the commission shall develop courses of instruction and
85 conduct public education efforts as necessary to inform employers, employees and employment
86 agencies about the rights and responsibilities established under this subsection.

87 (f) This subsection shall not be construed to preempt, limit, diminish or otherwise affect
88 any other law relating to sex discrimination or pregnancy or in any way diminish the coverage
89 for pregnancy or a condition related to pregnancy including, but not limited to, lactation or the
90 need to express breast milk for a nursing child under section 105D of chapter 149.

91 SECTION 3. Said section 4 of said chapter 151B, as so appearing, is hereby further
92 amended by inserting after the word "ancestry", in line 94, the following words:- , pregnancy or
93 a condition related to said pregnancy including, but not limited to, lactation or the need to
94 express breast milk for a nursing child.

95 SECTION 4. An employer shall provide written notice to its employees of the right to be
96 free from discrimination in relation to pregnancy or a condition related to pregnancy including,
97 but not limited to, lactation or the need to express breast milk for a nursing child, including the
98 right to reasonable accommodations for conditions related to pregnancy, pursuant to subsection
99 1E of section 4 of chapter 151B of the General Laws by April 1, 2018.

100 SECTION 5. This act shall take effect on April 1, 2018.



Amendment #2 to H3680
To improve access to online resources available to low-income pregnant women

Ms. Ferrante of Gloucester moves to amend the bill by inserting the following new section:

SECTION 3. The executive office of health and human services, in consultation with the department of public health and the assistant secretary for MassHealth, shall investigate and study methods to improve access to online resources available to low-income pregnant women seeking information about state programs or assistance, including, but not limited to eligibility information for the MassHealth program and the supplemental nutrition assistance program. The investigation shall include, but not be limited to: a review of existing state agency websites dedicated to providing information and resources to low income pregnant women; recommendations for improving access to such websites, including a determination about whether the websites are search engine optimized and measures necessary improve the availability of such websites through the use of online search engines; and the feasibility of creating a comprehensive state resource website for low-income pregnant women. The executive office of health and human services shall file a report of its findings and recommendations with the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities not later than January 1, 2018.

Amendment #4 to H3680

Further Amendment

~~Mr. Brodeur of Melrose moves to amend the bill~~ Mr. Brodeur of Melrose moves that the House concur with the Senate in its amendments with a further amendment by striking out all after the enacting clause and inserting in place thereof the following:-

“SECTION 1. Section 4 of chapter 151B of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word “information”, in lines 5, 89 and in lines 93 and 94, the following words, in each instance:- , pregnancy or a condition related to said pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child.

SECTION 2. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by inserting after subsection 1D the following subsection:-

1E. (a) For an employer to deny a reasonable accommodation for an employee’s pregnancy or any condition related to the employee’s pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child if the employee requests such an accommodation; provided, however, that an employer may deny such an accommodation if the employer can demonstrate that the accommodation would impose an undue hardship on the employer’s program, enterprise or business. It shall also be an unlawful practice under this subsection to:

(i) take adverse action against an employee who requests or uses a reasonable accommodation in terms, conditions or privileges of employment including, but not limited to, failing to reinstate the employee to the original employment status or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable service credits when the need for a reasonable accommodation ceases;

(ii) deny an employment opportunity to an employee if the denial is based on the need of the employer to make a reasonable accommodation to the known conditions related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child;

(iii) require an employee affected by pregnancy, or require said employee affected by a condition related to the pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, to accept an accommodation that the employee chooses not to accept, if that accommodation is unnecessary to enable the employee to perform the essential functions of the job;

(iv) require an employee to take a leave if another reasonable accommodation may be provided for the known conditions related to the employee's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, without undue hardship on the employer's program, enterprise or business;

(v) refuse to hire a person who is pregnant because of the pregnancy or because of a condition related to the person's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child; provided, however, that the person is capable of performing the essential functions of the position with a reasonable accommodation and that

reasonable accommodation would not impose an undue hardship, demonstrated by the employer, on the employer's program, enterprise or business.

(b) As used in this subsection, the following words shall have the following meanings unless the context clearly requires otherwise:

"Reasonable accommodation", may include, but shall not be limited to: (i) more frequent or longer paid or unpaid breaks; (ii) time off to attend to a pregnancy complication or recover from childbirth with or without pay; (iii) acquisition or modification of equipment or seating; (iv) temporary transfer to a less strenuous or hazardous position; (v) job restructuring; (vi) light duty; (vii) private non-bathroom space for expressing breast milk; (viii) assistance with manual labor; or (ix) a modified work schedule; provided, however, that an employer shall not be required to discharge or transfer an employee with more seniority or promote an employee who is not able to perform the essential functions of the job with or without a reasonable accommodation.

"Undue hardship", an action requiring significant difficulty or expense; provided, however, that the employer shall have the burden of proving undue hardship; provided further, that in making a determination of undue hardship, the following factors shall be considered: (i) the nature and cost of the needed accommodation; (ii) the overall financial resources of the employer; (iii) the overall size of the business of the employer with respect to the number of employees and the number, type and location of its facilities; and (iv) the effect on expenses and resources or any other impact of the accommodation on the employer's program, enterprise or business.

(c) Upon request for an accommodation from the employee or prospective employee capable of performing the essential functions of the position involved, the employee or prospective employee and the employer shall engage in a timely, good faith and interactive

process to determine an effective, reasonable accommodation to enable the employee or prospective employee to perform the essential functions of the employee's job or the position to which the prospective employee has applied. An employer may require that documentation about the need for a reasonable accommodation come from an appropriate health care or rehabilitation professional; provided, however, that an employer shall not require documentation from an appropriate health care or rehabilitation professional for the following accommodations: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting over 20 pounds; and (iv) private non-bathroom space for expressing breast milk. An "appropriate health care or rehabilitation professional" shall include, but shall not be limited to, a medical doctor, including a psychiatrist, a psychologist, a nurse practitioner, a physician assistant, a psychiatric clinical nurse specialist, a physical therapist, an occupational therapist, a speech therapist, a vocational rehabilitation specialist, a midwife, a lactation consultant or another licensed mental health professional authorized to perform specified mental health services. An employer may require documentation for an extension of the accommodation beyond the originally agreed to accommodation.

(d) Written notice of the right to be free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child, including the right to reasonable accommodations for conditions related to pregnancy pursuant to this subsection, shall be distributed by an employer to its employees. The notice shall be provided in a handbook, pamphlet or other means of notice to all employees including, but not limited to: (i) new employees at or prior to the commencement of employment; and (ii) an employee who notifies the employer of a pregnancy or an employee who notifies the employer of a condition related to the employee's pregnancy

including, but not limited to, lactation or the need to express breast milk for a nursing child not more than 10 days after such notification.

(e) Subject to appropriation, the commission shall develop courses of instruction and conduct public education efforts as necessary to inform employers, employees and employment agencies about the rights and responsibilities established under this subsection within 180 days of the appropriation.

(f) This subsection shall not be construed to preempt, limit, diminish or otherwise affect any other law relating to sex discrimination or pregnancy or in any way diminish the coverage for pregnancy or a condition related to pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child under section 105D of chapter 149.

SECTION 3. An employer shall provide written notice in a handbook, pamphlet or by other means to its employees of the right to be free from discrimination in relation to pregnancy or a condition related to pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child, including the right to reasonable accommodations for conditions related to pregnancy, pursuant to subsection 1E of section 4 of chapter 151B of the General Laws on or before April 1, 2018.

SECTION 4. This act shall take effect on April 1, 2018.”

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act establishing the Massachusetts pregnant workers fairness act.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 [A] SECTION 1. Section 4 of chapter 151B of the General Laws, as amended by section 22
2 of chapter 141 of the acts of 2016, is hereby amended by striking out, in line 6, the word "to",
3 the first time it appears, and inserting in place thereof the following words:-

4 , or pregnancy or a condition related to said pregnancy, including, but not limited to,
5 lactation, or the need to express breast milk for a nursing child, to.

6 SECTION 2. Said section 4 of said chapter 151B, as appearing in the 2014 Official
7 Edition, is hereby amended by inserting after subsection 1D the following subsection:-

8 1E. (a) For an employer to deny a reasonable accommodation for an employee's
9 pregnancy or any condition related to the employee's pregnancy, including, but not limited to,
10 lactation, or the need to express breast milk for a nursing child, if the employee so requests,
11 unless the employer can demonstrate that the accommodation would impose an undue hardship
12 on the employer's program, enterprise or business. It shall also be an unlawful practice under this
13 subsection to:

14 (1) take adverse action against an employee who requests or uses a reasonable
15 accommodation in terms, conditions or privileges of employment, including, but not limited to,
16 failing to reinstate the employee to the original employment status or to an equivalent position
17 with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable
18 service credits when the need for reasonable accommodations ceases;

19 (2) deny an employment opportunity to an employee, if such denial is based on the need
20 of the employer to make a reasonable accommodation to the known conditions related to the
21 employee's pregnancy including, but not limited to, lactation, or the need to express breast milk
22 for a nursing child;

23 (3) require an employee affected by pregnancy or require said employee affected by a
24 condition related to the pregnancy including, but not limited to, lactation, or the need to express
25 breast milk for a nursing child, to accept an accommodation that such employee chooses not to
26 accept, if such an accommodation is unnecessary to enable the employee to perform the essential
27 functions of the job;

28 (4) require an employee to take leave of absence if another reasonable accommodation
29 may be provided to the known conditions related to the employee's pregnancy including, but not
30 limited to, lactation, or the need to express breast milk for a nursing child, without undue
31 hardship to the employer;

32 (5) knowingly refuse to hire a person who is pregnant because of the pregnancy or
33 because of a condition related to the person's pregnancy which shall include, but shall not be
34 limited to, lactation or the need to express breast milk for a nursing child; provided, that such
35 person is capable of performing the essential functions of the position involved with a reasonable

2

36 accommodation, unless the employer is able to demonstrate that the accommodation would
37 impose an undue hardship on the employer's program, enterprise or business.

38 (b) For the purposes of this subsection:

39 (1) The term "reasonable accommodation" may include, but shall not be limited to: (i)
40 more frequent or longer paid or unpaid breaks; (ii) time off to recover from childbirth with or
41 without pay; (iii) acquisition or modification of equipment or seating; (iv) temporary transfer to a
42 less strenuous or hazardous position; (v) job restructuring; (vi) light duty; (vii) private non-
43 bathroom space for expressing breast milk; (viii) assistance with manual labor; or (ix) modified
44 work schedules; provided, however, that no employer shall be required to discharge any
45 employee, transfer any employee with more seniority, or promote any employee who is not able
46 to perform the essential functions of the job, with or without a reasonable accommodation.

47 (2) The term "undue hardship" shall mean an action requiring significant difficulty or
48 expense. The employer shall have the burden of proving undue hardship. In making a
49 determination of undue hardship, the following factors shall be considered:

50 (i) the nature and cost of the accommodation needed;

51 (ii) the overall financial resources of the employer;

52 (iii) the overall size of the business of the employer with respect to the number of
53 employees;

54 (iv) the number, type and location of its facilities; and;

55 (v) the effect on expenses and resources or the impact otherwise of such accommodation
56 upon the operation of the employer.

57 (c) The employer and employee shall engage in a timely, good faith and interactive
58 process to determine effective reasonable accommodations to enable the employee to perform
59 the essential functions of the employee's job. An employer may require that documentation
60 about the need for a reasonable accommodation come from an appropriate health care or
61 rehabilitation professional; provided, however that an employer may not require, and an
62 employee shall not be required to obtain, documentation from an appropriate health care or
63 rehabilitation professional for the following accommodations: (1) more frequent restroom, food
64 and water breaks; (2) seating; and (3) limits on lifting over 20 pounds. An "appropriate health
65 care or rehabilitation professional" shall include, but shall not be limited to, a medical doctor,
66 including a psychiatrist, a psychologist, a nurse practitioner, a physician assistant, a psychiatric
67 clinical nurse specialist, a physical therapist, an occupational therapist, a speech therapist, a
68 vocational rehabilitation specialist, a midwife, a lactation consultant, or another licensed mental
69 health professional authorized to perform specified mental health services consistent with law.
70 An employer may require documentation for an extension of the accommodation beyond the
71 originally agreed to accommodation.

72 (d) Written notice of the right to be free from discrimination in relation to pregnancy or a
73 condition related to the employee's pregnancy including, but not limited to, lactation, or the need
74 to express breast milk for a nursing child, including the right to reasonable accommodations for
75 conditions related to pregnancy pursuant to this subsection shall be distributed by an employer in
76 a handbook or other means to:

77 (1) new employees at the commencement of employment;

78 (2) existing employees on or before January 1, 2018;

79 (3) an employee who notifies the employer of a pregnancy or an employee who notifies
80 the employer of a condition related to the employee's pregnancy including, but not limited to,
81 lactation, or the need to express breast milk for a nursing child, within 10 days of such
82 notification.

83 (e) Subject to appropriation, the commission shall develop courses of instruction and
84 conduct public education efforts as necessary to inform employers, employees and employment
85 agencies about their rights and responsibilities under this subsection.

86 (f) This subsection shall not be construed to preempt, limit, diminish or otherwise affect
87 any other provision of law relating to sex discrimination or pregnancy, or to in any way diminish
88 the coverage for pregnancy or a condition related to pregnancy including, but not limited to,
89 lactation, or the need to express breast milk for a nursing child, under section 105D of chapter
90 149, or any other general or special law.

SECTION 3. The executive office of health and human services, in consultation with the department of public health and the assistant secretary for MassHealth, shall investigate and study methods to improve access to online resources available to low-income pregnant women seeking information about state programs or assistance, including, but not limited to eligibility information for the MassHealth program and the supplemental nutrition assistance program. The investigation shall include, but not be limited to: a review of existing state agency websites dedicated to providing information and resources to low income pregnant women; recommendations for improving access to such websites, including a determination about whether the websites are search engine optimized and measures necessary improve the availability of such websites through the use of online search engines; and the feasibility of creating a comprehensive state resource website for low-income pregnant women. The executive office of health and human services shall file a report of its findings and recommendations with the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities not later than January 1, 2018.

SENATE, JUNE 29, 2017

Passed to be engrossed, in concurrence, with the following amendment:

By striking out all after the enacting clause and inserting in place thereof (at

“[A]”) the text of Senate document numbered 2104.

Sent to the House for concurrence in the amendment.

William F. Welch

, Clerk.

H.R., July 17, 2017.

The House concurred with the Senate in its amendment with a further amendment by striking out all after the enacting clause (inserted by amendment by the Senate) ^[at "A"] and inserting in place thereof the text contained in House document numbered 3816.

Sent to the Senate for concurrence in the further amendment.

Steven James

, Clerk.

Senate, July 19, 2017

*Not suspended. Senate concurs in the further
House amendment*

William F. Welch, Clerk

Senate Committee on BTR
Correctly drawn

Capt. Allen
For the Committee

SENATE No. 2104

Senate June 29, 2017, – Text of the Senate amendment to the House Bill establishing the Massachusetts pregnant workers fairness act (House, No. 3680, amended)

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

1 SECTION 1. Section 4 of chapter 151B of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the word “ancestry”, in lines 5 and 6 and
3 line 89, each time it appears, the following words:- , pregnancy or a condition related to said
4 pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing
5 child.

6 SECTION 2. Said section 4 of said chapter 151B, as so appearing , is hereby further
7 amended by inserting after subsection 1D the following subsection:-

8 1E. (a) For an employer to deny a reasonable accommodation for an employee’s
9 pregnancy or any condition related to the employee’s pregnancy including, but not limited to,
10 lactation or the need to express breast milk for a nursing child if the employee requests such an
11 accommodation; provided, however, that an employer may deny such an accommodation if the
12 employer can demonstrate that the accommodation would impose an undue hardship on the
13 employer’s program, enterprise or business. It shall also be an unlawful practice under this
14 subsection to:

15 (i) take adverse action against an employee who requests or uses a reasonable
16 accommodation in terms, conditions or privileges of employment including, but not limited to,
17 failing to reinstate the employee to the original employment status or to an equivalent position
18 with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable
19 service credits when the need for a reasonable accommodation ceases;

20 (ii) deny an employment opportunity to an employee if the denial is based on the need of
21 the employer to make a reasonable accommodation to the known conditions related to the
22 employee's pregnancy including, but not limited to, lactation or the need to express breast milk
23 for a nursing child;

24 (iii) require an employee affected by pregnancy or by a condition related to a pregnancy
25 including, but not limited to, lactation or the need to express breast milk for a nursing child to
26 accept an accommodation that the employee chooses not to accept, if that accommodation is
27 unnecessary to enable the employee to perform the essential functions of the job;

28 (iv) require an employee to take a leave if another reasonable accommodation may be
29 provided to the known conditions related to the employee's pregnancy including, but not limited
30 to, lactation or the need to express breast milk for a nursing child without undue hardship on the
31 employer's program, enterprise or business;

32 (v) refuse to hire a person who is pregnant because of the pregnancy or because of a
33 condition related to the person's pregnancy which shall include, but shall not be limited to,
34 lactation or the need to express breast milk for a nursing child; provided, however, that the
35 person is capable of performing the essential functions of the position with a reasonable

36 accommodation and that reasonable accommodation would not impose an undue hardship,
37 demonstrated by the employer, on the employer's program, enterprise or business.

38 (b) As used in this subsection, the following words shall have the following meanings
39 unless the context clearly requires otherwise:

40 "Reasonable accommodation", may include, but shall not be limited to: (i) more frequent
41 or longer paid or unpaid breaks; (ii) time off to attend to a pregnancy complication or recover
42 from childbirth with or without pay; (iii) acquisition or modification of equipment or seating; (iv)
43 temporary transfer to a less strenuous or hazardous position; (v) job restructuring; (vi) light duty;
44 (vii) private non-bathroom space for expressing breast milk; (viii) assistance with manual labor;
45 or (ix) a modified work schedule; provided, however, that an employer shall not be required to
46 discharge or transfer an employee with more seniority or promote an employee who is not able to
47 perform the essential functions of the job with or without a reasonable accommodation.

48 "Undue hardship", an action requiring significant difficulty or expense; provided,
49 however, that the employer shall have the burden of proving undue hardship; provided further,
50 that in making a determination of undue hardship, the following factors shall be considered: (i)
51 the nature and cost of the needed accommodation; (ii) the overall financial resources of the
52 employer; (iii) the overall size of the business of the employer with respect to the number of
53 employees and the number, type and location of its facilities; and (iv) the effect on expenses and
54 resources or any other impact of the accommodation on the employer's program, enterprise or
55 business.

56 (c) Upon request for an accommodation from the employee or prospective employee
57 capable of performing the essential functions of the position involved, the employee or

58 prospective employee and the employer shall engage in a timely, good faith and interactive
59 process to determine an effective, reasonable accommodation to enable such employee or
60 prospective employee to perform the essential functions of the employee's job or the position to
61 which the prospective employee has applied. An employer may require that documentation about
62 the need for a reasonable accommodation come from an appropriate health care or rehabilitation
63 professional; provided, however, that an employer shall not require documentation from an
64 appropriate health care or rehabilitation professional for the following accommodations: (i) more
65 frequent restroom, food or water breaks during pregnancy; (ii) seating during pregnancy; (iii)
66 limits on lifting over 20 pounds during pregnancy; and (iv) private non-bathroom space for
67 expressing breast milk. An "appropriate health care or rehabilitation professional" shall include,
68 but shall not be limited to, a medical doctor, including a psychiatrist, a psychologist, a nurse
69 practitioner, a physician assistant, a psychiatric clinical nurse specialist, a physical therapist, an
70 occupational therapist, a speech therapist, a vocational rehabilitation specialist, a midwife, a
71 lactation consultant or another licensed mental health professional authorized to perform
72 specified mental health services.

73 (d) Written notice of the right to be free from discrimination in relation to pregnancy or a
74 condition related to the employee's pregnancy including, but not limited to, lactation or the need
75 to express breast milk for a nursing child, including the right to reasonable accommodations for
76 conditions related to pregnancy pursuant to this subsection, shall be distributed by an employer
77 to its employees. The notice shall be provided in a handbook or other means of notice to all
78 employees including, but not limited to: (i) new employees at or prior to the commencement of
79 employment; and (ii) an employee who notifies their employer of a pregnancy or an employee
80 who notifies their employer of a condition related to the employee's pregnancy including, but not

81 limited to, lactation or the need to express breast milk for a nursing child not more than 10 days
82 after such notification.

83 (e) Subject to appropriation, the commission shall develop courses of instruction and
84 conduct public education efforts as necessary to inform employers, employees and employment
85 agencies about the rights and responsibilities established under this subsection.

86 (f) This subsection shall not be construed to preempt, limit, diminish or otherwise affect
87 any other law relating to sex discrimination or pregnancy or in any way diminish the coverage
88 for pregnancy or a condition related to pregnancy including, but not limited to, lactation or the
89 need to express breast milk for a nursing child under section 105D of chapter 149.

90 SECTION 3. Said section 4 of said chapter 151B, as so appearing, is hereby further
91 amended by inserting after the word "ancestry", in line 94, the following words:- , pregnancy or
92 a condition related to said pregnancy including, but not limited to, lactation or the need to
93 express breast milk for a nursing child.

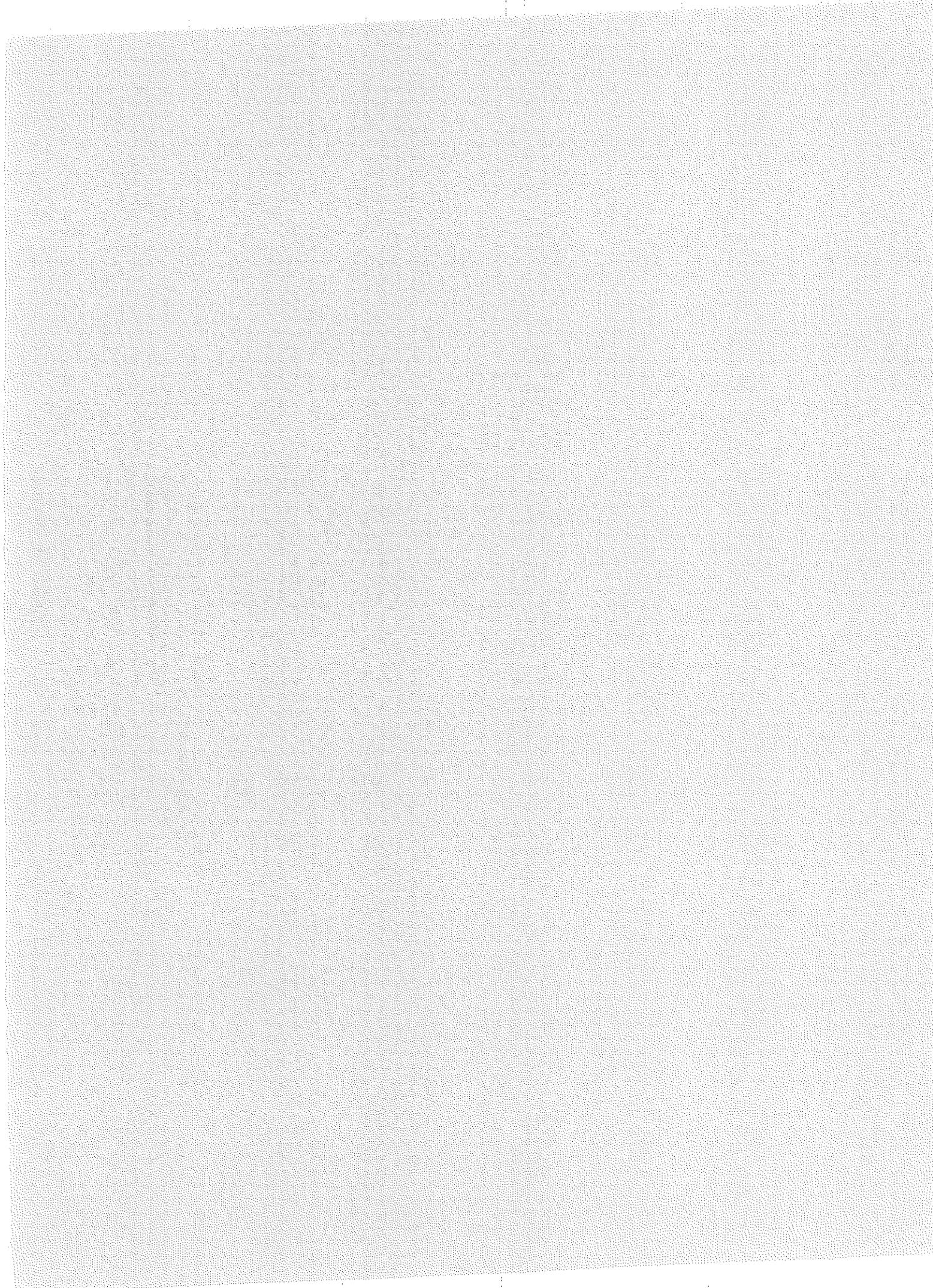
94 SECTION 4. An employer shall provide written notice in a handbook or by other means
95 to its employees of the right to be free from discrimination in relation to pregnancy or a
96 condition related to pregnancy including, but not limited to, lactation or the need to express
97 breast milk for a nursing child, including the right to reasonable accommodations for conditions
98 related to pregnancy, pursuant to subsection 1E of section 4 of chapter 151B of the General Laws
99 by not later than April 1, 2018.

100 SECTION 5. The executive office of health and human services shall provide a report on
101 the creation of a designation of a business as "Family-Friendly" which may be used in
102 promotional materials if the business develops and implements a written policy supporting the

103 expression of breast milk at the workplace. Such policy may include, but shall not be limited to,
104 the following elements: (i) work schedule flexibility, including scheduling breaks and work
105 patterns to provide time for the expression of breast milk; (ii) accessible private non-bathroom
106 space to express breast milk; (iii) access to an electrical outlet; (iv) access to a clean, safe water
107 source and a sink for washing; and (v) access to hygienic refrigerated storage in the workplace to
108 store breast milk. The report shall consider information from other states which have enacted
109 similar initiatives and include a review of the feasibility and estimated cost of maintaining a list
110 of businesses designated as "Family-Friendly".

111 The executive office of health and human services shall file the report with the clerks of
112 the senate and house of representatives, the chairs of the joint committee on labor and workforce
113 development and the chairs of the joint committee on public health not later than March 1, 2018.

114 SECTION 6. This act shall take effect on April 1, 2018.



Text of a further amendment, offered by Mr. Brodeur of Melrose, to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2104) of the House Bill establishing the Massachusetts pregnant workers fairness act (House, No. 3680, amended). July 17, 2017.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court (2017-2018)

By striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the following:—

1 SECTION 1. Section 4 of chapter 151B of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the word "information", in lines 5, 89 and
3 ~~in lines 93 and 94,~~ each time it appears, the following words, ~~in each instance:-~~, pregnancy or a condition related to
4 said pregnancy including, but not limited to, lactation or the need to express breast milk for a
5 nursing child.

6 SECTION 2. Said section 4 of said chapter 151B, as so appearing, is hereby further
7 amended by inserting after subsection 1D the following subsection:-

8 1E. (a) For an employer to deny a reasonable accommodation for an employee's
9 pregnancy or any condition related to the employee's pregnancy including, but not limited to,
10 lactation or the need to express breast milk for a nursing child if the employee requests such an
11 accommodation; provided, however, that an employer may deny such an accommodation if the
12 employer can demonstrate that the accommodation would impose an undue hardship on the

13 employer's program, enterprise or business. It shall also be an unlawful practice under this
14 subsection to:

15 (i) take adverse action against an employee who requests or uses a reasonable
16 accommodation in terms, conditions or privileges of employment including, but not limited to,
17 failing to reinstate the employee to the original employment status or to an equivalent position
18 with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable
19 service credits when the need for a reasonable accommodation ceases;

20 (ii) deny an employment opportunity to an employee if the denial is based on the need of
21 the employer to make a reasonable accommodation to the known conditions related to the
22 employee's pregnancy including, but not limited to, lactation or the need to express breast milk
23 for a nursing child;

24 (iii) require an employee affected by pregnancy, or require said employee affected by a
25 condition related to the pregnancy, including, but not limited to, lactation or the need to express
26 breast milk for a nursing child, to accept an accommodation that the employee chooses not to
27 accept, if that accommodation is unnecessary to enable the employee to perform the essential
28 functions of the job;

29 (iv) require an employee to take a leave if another reasonable accommodation may be
30 provided for the known conditions related to the employee's pregnancy, including, but not
31 limited to, lactation or the need to express breast milk for a nursing child, without undue
32 hardship on the employer's program, enterprise or business;

33 (v) refuse to hire a person who is pregnant because of the pregnancy or because of a
34 condition related to the person's pregnancy, including, but not limited to, lactation or the need to

35 express breast milk for a nursing child; provided, however, that the person is capable of
36 performing the essential functions of the position with a reasonable accommodation and that
37 reasonable accommodation would not impose an undue hardship, demonstrated by the employer,
38 on the employer's program, enterprise or business.

39 (b) As used in this subsection, the following words shall have the following meanings
40 unless the context clearly requires otherwise:

41 "Reasonable accommodation", may include, but shall not be limited to: (i) more frequent
42 or longer paid or unpaid breaks; (ii) time off to attend to a pregnancy complication or recover
43 from childbirth with or without pay; (iii) acquisition or modification of equipment or seating; (iv)
44 temporary transfer to a less strenuous or hazardous position; (v) job restructuring; (vi) light duty;
45 (vii) private non-bathroom space for expressing breast milk; (viii) assistance with manual labor;
46 or (ix) a modified work schedule; provided, however, that an employer shall not be required to
47 discharge or transfer an employee with more seniority or promote an employee who is not able to
48 perform the essential functions of the job with or without a reasonable accommodation.

49 "Undue hardship", an action requiring significant difficulty or expense; provided,
50 however, that the employer shall have the burden of proving undue hardship; provided further,
51 that in making a determination of undue hardship, the following factors shall be considered:(i)
52 the nature and cost of the needed accommodation; (ii) the overall financial resources of the
53 employer; (iii) the overall size of the business of the employer with respect to the number of
54 employees and the number, type and location of its facilities; and (iv) the effect on expenses and
55 resources or any other impact of the accommodation on the employer's program, enterprise or
56 business.

57 (c) Upon request for an accommodation from the employee or prospective employee
58 capable of performing the essential functions of the position involved, the employee or
59 prospective employee and the employer shall engage in a timely, good faith and interactive
60 process to determine an effective, reasonable accommodation to enable the employee or
61 prospective employee to perform the essential functions of the employee's job or the position to
62 which the prospective employee has applied. An employer may require that documentation about
63 the need for a reasonable accommodation come from an appropriate health care or rehabilitation
64 professional; provided, however, that an employer shall not require documentation from an
65 appropriate health care or rehabilitation professional for the following accommodations: (i) more
66 frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting ^{more than} ~~over~~ 20 pounds; and
67 (iv) private non-bathroom space for expressing breast milk. An "appropriate health care or
68 rehabilitation professional" shall include, but shall not be limited to, a medical doctor, including
69 a psychiatrist, a psychologist, a nurse practitioner, a physician assistant, a psychiatric clinical
70 nurse specialist, a physical therapist, an occupational therapist, a speech therapist, a vocational
71 rehabilitation specialist, a midwife, a lactation consultant or another licensed mental health
72 professional authorized to perform specified mental health services. An employer may require
73 documentation for an extension of the accommodation beyond the originally agreed to
74 accommodation.

75 (d) Written notice of the right to be free from discrimination in relation to pregnancy or a
76 condition related to the employee's pregnancy including, but not limited to, lactation or the need
77 to express breast milk for a nursing child, including the right to reasonable accommodations for
78 conditions related to pregnancy pursuant to this subsection, shall be distributed by an employer
79 to its employees. The notice shall be provided in a handbook, pamphlet or other means of notice

80 to all employees including, but not limited to: (i) new employees at or prior to the
81 commencement of employment; and (ii) an employee who notifies the employer of a pregnancy
82 or an employee who notifies the employer of a condition related to the employee's pregnancy
83 including, but not limited to, lactation or the need to express breast milk for a nursing child not
84 more than 10 days after such notification.

85 (e) Subject to appropriation, the commission shall develop courses of instruction and
86 conduct public education efforts as necessary to inform employers, employees and employment
87 agencies about the rights and responsibilities established under this subsection ~~within 180 days~~
88 ~~of~~ ^{after} the appropriation. ^{not more than}

89 (f) This subsection shall not be construed to preempt, limit, diminish or otherwise affect
90 any other law relating to sex discrimination or pregnancy or in any way diminish the coverage
91 for pregnancy or a condition related to pregnancy including, but not limited to, lactation or the
92 need to express breast milk for a nursing child under section 105D of chapter 149.

93 SECTION 3. An employer shall provide written notice in a handbook, pamphlet or by
94 other means to its employees of the right to be free from discrimination in relation to pregnancy
95 or a condition related to pregnancy including, but not limited to, lactation or the need to express
96 breast milk for a nursing child, including the right to reasonable accommodations for conditions
97 related to pregnancy, pursuant to subsection 1E of section 4 of chapter 151B of the General Laws
98 ~~on or before~~ ^{not later than} April 1, 2018.

99 SECTION 4. This act shall take effect on April 1, 2018.*



H.R., July 17, 2017, - The House concurred with the Senate in its amendment with a further amendment [gut and stuff H.3816]

25

House, No. 3680

54

amended, amended
BILL ESTABLISHING THE MASSACHUSETTS PREGNANT WORKERS FAIRNESS ACT.

H.R., May 8, 2017.

Rec. from W&M as a recommended substitute for House bill No. 3659.

May 10, 2017, - Substituted (as recom. by W&M) for House bill No 3659; and ord. 3rd.

*Senate, July 19, 2017
Rules suspended
Senate concurs in the further House amendment.*

Correctly drawn,
[Signature], for B.T.R.

rules suspended, read 3rd.,
1-2 Amended (Ferrante);
2-3 Amendment (Lyons) laid aside on a point of order (Speliosis) [Haddad]. Ruling appealed (Lyons) (second-Lombardo). Decision of Chair sustained (HRC#57); engrossed (HRC#58).

Senate, MAY 11, 2017...
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

[Signature], Clerk

JUN 22 2017 - rep op w/ama
NT - XXXXXXX S. 2093

JUN 22 2017 - Order relative to subject matter adopted
TOD 2d w/W&M NT pending F
Thursday, June 29, 2017

Senate Committee on BTF
[Signature]
Correctly drawn
For the Committee

JUN 29 2017 - Read 2d.

For amendments to S. 209
see Senate, No. 20931
Amended (W&M) by substitute
of NT - S. 2104
ordered 3d. - Rd. 3d. & R.
(3rd years)

JUN 30 2017
HR,
Referred, under Rule 35, to the committee on
in the Third Reading.

[Signature]

Correctly drawn,
for B.T.R.