



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
(803)734-0640 • RFA.SC.GOV/IMPACTS

Bill Number: H. 3200 Signed by Governor on June 26, 2019
Author: Henderson-Myers
Subject: SC Lactation Support
Requestor: House of Representatives
RFA Analyst(s): Gallagher
Impact Date: November 20, 2020

Fiscal Impact Summary

The South Carolina Lactation Support Act (act) requires employers to make a reasonable effort to provide employees with break time and a private location to express milk at work. Based upon conversations with the Department of Administration (Admin), the federal Fair Labor Standards Act (FLSA) currently requires employers to provide employees with break time and a private location to express milk at work. We expect all state agencies are in compliance with federal law. As such, this act will not have an expenditure impact on any state agency's General Fund, Other Funds, or Federal Funds.

This bill further requires the South Carolina Human Rights Commission (commission) to post information on its website to educate employers, employees, and employment agencies about their rights and responsibilities under this Act. The commission is already complying with the duties enumerated in this act. As such, this bill will not have an expenditure impact on the agency's General Fund, Other Funds, or Federal Funds.

Explanation of Fiscal Impact

Signed by the Governor on June 26, 2020

State Expenditure

This act requires employers to make a reasonable effort to provide employees with unpaid break time to express milk at work or permit an employee to use paid break time to do so. This act further requires employers to make reasonable efforts to provide a location in close proximity to an employee's work area where they may express milk in privacy, other than a toilet stall. This act does not require an employer to provide break time for this purpose if doing so would create undue hardship on workplace operations.

Based upon conversations with Admin, the FLSA currently requires employers to provide a place, other than a bathroom, to express milk that is shielded from view and free from intrusion. The FLSA also already requires employers to provide reasonable unpaid break time each day to an employee who needs to breastfeed a child or express milk up to one year after the child's birth. We expect all state agencies are in compliance with federal law. As such, this act will not have an expenditure impact on any state agency's General Fund, Other Funds, or Federal Funds.

Human Rights Commission. This act requires the commission to post information on its website to educate employers, employees, and employment agencies about their rights and responsibilities under this act. The commission is already complying with the duties enumerated

in this act. As such, this bill will not have an expenditure impact on the agency's General Fund, Other Funds, or Federal Funds.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director