**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA NURSING MOTHERS ACT” BY ADDING SECTION 10‑5‑300 SO AS TO PROVIDE THAT BEFORE JULY 1, 2019, GOVERNMENTAL BUILDINGS AND BUILDINGS OWNED BY SCHOOL DISTRICTS MUST PROVIDE CERTAIN ACCOMMODATIONS FOR THE EXCLUSIVE USE OF WOMEN TO BREASTFEED CHILDREN OR EXPRESS BREAST MILK; BY ADDING SECTION 12‑6‑3740 SO AS TO PROVIDE TAX CREDITS FOR RESIDENT EMPLOYERS THAT PROVIDE SUITABLE ACCOMMODATIONS TO BREASTFEED CHILDREN OR TO EXPRESS BREAST MILK; AND BY ADDING SECTION 41‑1‑130 SO AS TO PROVIDE CERTAIN EMPLOYERS DAILY SHALL PROVIDE REASONABLE UNPAID BREAK TIMES TO EMPLOYEES WHO NEED TO BREASTFEED CHILDREN OR EXPRESS BREAST MILK, AND TO PROVIDE THESE BREAK TIMES MUST RUN CONCURRENTLY WITH EXISTING EMPLOYEE BREAK TIMES, IF POSSIBLE.

Whereas, the South Carolina General Assembly finds that breastfeeding a baby is an important and basic act of nurturing that must be encouraged in the interests of maternal and child health and family values; and

Whereas, in compliance with the breastfeeding promotion program established under the federal Child Nutrition Act of 1966, 42 U.S.C. Section 1771 et seq., the South Carolina General Assembly recognizes breastfeeding as the best method of infant nutrition. Now, therefore:

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act must be known and may be cited as the “South Carolina Nursing Mothers Act”.

SECTION 2. Article 3, Chapter 5, Title 10 of the 1976 Code is amended by adding:

“Section 10‑5‑300. (A) Before July 1, 2019, governmental buildings and buildings owned by school districts must provide suitable accommodations in the form of a room, other than a toilet stall, for the exclusive use of any woman to breastfeed a child or express breast milk. This room must have, at a minimum:

(1) a lockable door;

(2) a work surface and chair;

(3) storage for cleaning supplies; and

(4) a conveniently placed electrical outlet.

(B) The director of the Department of Administration may exempt a state‑owned building from the provisions of this section if he determines that the demand for use of the specified room by employees domiciled in the building and the public is insufficient to merit the cost. The State Superintendent of Education may exempt a school district‑owned building if he determines that the demand for use of the specified room by employees domiciled in the building and the public is insufficient to merit the cost.”

SECTION 3. A. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12‑6‑3740. (A) There is allowed a tax credit for any resident employer that provides suitable accommodations for the exclusive use of any woman to breastfeed a child or to express breast milk. To qualify for the credit, the accommodations must meet the conditions established in Section 10‑5‑300. The credit is equal to fifty dollars for each accommodation for each full month in which the accommodation is available, but not to exceed two thousand dollars each tax year. The credit may be claimed against any income taxes or bank taxes imposed pursuant to this chapter, and against insurance premium taxes imposed pursuant to Title 38.

(B) The Department of Revenue may promulgate regulations necessary to implement the provisions of this section.”

B. This SECTION takes effect upon approval by the Governor and applies to tax years beginning after 2017.

SECTION 4. Chapter 1, Title 41 of the 1976 Code is amended by adding:

“Section 41‑1‑130. (A) As used in this section, ‘employer’ means a person or entity that employs five or more employees and includes private entities, the State, political subdivisions of the State, special purpose districts, and school districts.

(B) An employer shall provide reasonable unpaid break time each day to an employee who needs to breastfeed a child or express breast milk. The break time must, if possible, run concurrently with an existing break time, if any.”

SECTION 5. This act takes effect upon approval by the Governor.

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