

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Fair Labor Standards Act of 1938 to require employers to allow employees to take meal, medical, and restroom breaks, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. SCHATZ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Fair Labor Standards Act of 1938 to require employers to allow employees to take meal, medical, and restroom breaks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the **["**\_\_\_\_\_ **Act**  
5 **of** \_\_\_\_\_ **"].**

6 **SEC. 2. REQUIRED BREAKS FOR EMPLOYEES.**

7 (a) IN GENERAL.—The Fair Labor Standards Act of  
8 1938 (29 U.S.C. 201 et seq.) is amended by inserting  
9 after section 7 (29 U.S.C. 207) the following:

1 **“SEC. 8. REQUIRED BREAKS FOR EMPLOYEES.**

2 “(a) MEAL BREAKS.—

3 “(1) IN GENERAL.—Except as provided in sub-  
4 section (d), no employer shall employ any employee,  
5 who in any workweek is engaged in commerce or in  
6 the production of goods for commerce, or is em-  
7 ployed in an enterprise engaged in commerce or in  
8 the production of goods for commerce, for a period  
9 of 6 hours without allowing the employee to take a  
10 break of not less than 30 minutes during such pe-  
11 riod in which the employee is able to consume a  
12 meal.

13 “(2) PAYMENT.—

14 “(A) IN GENERAL.—Except as provided in  
15 subparagraph (B), an employer shall not be re-  
16 quired to compensate an employee for a break  
17 required under paragraph (1).

18 “(B) PAID BREAKS.—In the case in which  
19 an employer employs an employee during the  
20 employee’s required break under paragraph (1),  
21 the employer shall compensate the employee for  
22 the employment during such break at a rate,  
23 for the full period of the required break, that is  
24 not less than one and one-half times the regular  
25 rate at which the employee is employed by the  
26 employer.

1 “(b) MEDICAL BREAKS.—

2 “(1) IN GENERAL.—An employer shall com-  
3 pensate an employee, who in any workweek is en-  
4 gaged in commerce or in the production of goods for  
5 commerce, or is employed in an enterprise engaged  
6 in commerce or in the production of goods for com-  
7 merce, for any short-duration break that the em-  
8 ployee is required to take due to a medical condition  
9 documented by a medical professional.

10 “(2) RATE OF COMPENSATION.—Compensation  
11 described in paragraph (1) shall be at the regular  
12 rate at which the employee is employed by the em-  
13 ployer.

14 “(c) RESTROOM BREAKS.—

15 “(1) IN GENERAL.—No employer shall employ  
16 any employee, who in any workweek is engaged in  
17 commerce or in the production of goods for com-  
18 merce, or is employed in an enterprise engaged in  
19 commerce or in the production of goods for com-  
20 merce, for a period of 4 hours without allowing the  
21 employee to take a reasonable break during such pe-  
22 riod to utilize the nearest functioning and accessible  
23 restroom.

24 “(2) RATE OF COMPENSATION.—An employer  
25 shall compensate an employee described in para-

1 graph (1) for a break described in such paragraph  
2 at the regular rate at which the employee is em-  
3 ployed by the employer.

4 “(d) COLLECTIVE BARGAINING AGREEMENTS; STATE  
5 LAWS.—The requirements under this section—

6 “(1) shall not supercede any provision in a col-  
7 lective bargaining agreement; and

8 “(2) shall not preempt any State law that pro-  
9 vides greater protections for employees than the pro-  
10 tections under this section.”.

11 (b) ENFORCEMENT.—

12 (1) PROHIBITED ACT.—Section 15(a) of the  
13 Fair Labor Standards Act of 1938 (29 U.S.C.  
14 215(a)) is amended—

15 (A) in paragraph (5), by striking the pe-  
16 riod and inserting “; and”; and

17 (B) by adding at the end the following:

18 “(6) to violate any provision of section 8.”.

19 (2) PENALTIES.—Section 16 of such Act (29  
20 U.S.C. 216) is amended—

21 (A) in subsection (b), by inserting “Any  
22 employer who violates the provisions of section  
23 8 shall be liable for such legal or equitable relief  
24 as may be appropriate to effectuate the pur-

1 poses of such section.” after the third sentence;  
2 and

3 (B) in subsection (c), by adding at the end  
4 the following: “The authority and requirements  
5 described in this subsection shall also apply  
6 with respect to a violation of section 8, as ap-  
7 propriate, and the employer shall be liable for  
8 such legal or equitable relief as may be appro-  
9 priate to effectuate the purposes of such sec-  
10 tion.”; and

11 (C) in subsection (e)(2), by striking “sec-  
12 tion 6 or 7, relating to wages,” and inserting  
13 “section 6, 7, or 8, relating to wages or  
14 breaks,”.

15 (3) STATUTE OF LIMITATIONS.—Section 6 of  
16 the Portal-to-Portal Act of 1947 (29 U.S.C. 255) is  
17 amended, in the matter preceding subsection (a), by  
18 inserting “(and any cause of action to enforce sec-  
19 tion 8 of such Act)” after “under the Fair Labor  
20 Standards Act of 1938, as amended”.

21 (c) CONFORMING AMENDMENT.—Section 10 of the  
22 Fair Labor Standards Act of 1938 (29 U.S.C. 210) is re-  
23 pealed.