# WEST VIRGINIA LEGISLATURE 2023 REGULAR SESSION

## Introduced

# House Bill 3415

By Delegate Young

[Introduced February 13, 2023; Referred to the Committee on Health and Human Resources then Finance]

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A BILL to amend and reenact §5-11B-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §16-4G-1, §16-4G-2, §16-4G-3, §16-4G-4, §16-4G-5, §16-4G-6, §16-4G-7 §16-4G-8, and §16-4G-9; and to amend said code by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, §21-5J-4, §21-5J-5, §21-5J-6, §21-5J-7, §21-5J-8, §21-5J-9, and §21-5J-10, all relating to requiring the West Virginia Division of Labor to notify all employers that the Pregnant Workers' Fairness Act is in place; to require that the West Virginia Division of Labor to conduct public education campaigns about the Pregnant Workers' Fairness Act: listing legislative findings regarding pregnancy and post-pregnancy care; creating a short title; listing definitions; establishing the Housing for Moms Grant program; requiring a report from the Department of Health and Human Resources regarding transportation and barriers to care; requiring respectful maternity care training for all employees providing prenatal, labor, and postpartum care; requiring the Department of Health and Human Resources Bureau for Public Health to establish a program to award grants to eligible entities to educate the public and health care providers about maternal mental health conditions and establishing parameters for those grants; expanding nutritional assistance; establishing the Paid Parental Leave Pilot Program; establishing the Paid Parental Leave Fund and setting disbursement qualifications for that fund; expanding access to family planning care; establishing the requiring employers to continue to provide group health care coverage as long as the employee continues to pay the premiums for this coverage; providing for an employer survey for the Paid Parental Leave Pilot Program; establishing a performance review date for the Paid Parental Leave Pilot Program; establishing rulemaking for the Paid Parental Leave Pilot Program; and providing a sunset date for the Paid Parental Leave Pilot Program.

Be it enacted by the Legislature of West Virginia:

# CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

### ARTICLE 11B. PREGNANT WORKERS' FAIRNESS ACT.

§5-11B-2. Nondiscrimination with regard to reasonable accommodations related to pregnancy.

It shall be an unlawful employment practice for a covered entity to:

- (1) Not make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a job applicant or employee, following delivery by the applicant or employee of written documentation from the applicant's or employee's health care provider that specifies the applicant's or employee's limitations and suggesting what accommodations would address those limitations, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity;
- (2) Deny employment opportunities to a job applicant or employee, if such denial is based on the refusal of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of an employee or applicant;
- (3) Require a job applicant or employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation that such applicant or employee chooses not to accept; or
- (4) Require an employee to take leave under any leave law or policy of the covered entity if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of an employee.

18 (5) On an annual basis, the West Virginia Division of Labor shall notify all employers that the Pregnant Workers' Fairness Act is in effect; compliance is compulsory and that violations harm 19 20 maternal and child health, and carry consequences. 21 (6) The West Virginia Human Rights Commission shall on an annual basis conduct public 22 education campaigns to inform the public of the benefits of the Pregnant Workers' Fairness Act 23 and may partner with community-based organizations or other state agencies to accomplish such. 24 Such education shall consist of public service announcements, and earned or paid media 25 counties. 55 outreach to all **CHAPTER 21. PUBLIC HEALTH.** 

### <u>ARTICLE 4G. MATERNAL HEALTH AND FAMILY SUPPORT.</u>

### §16-4G-1. Legislative Findings.

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The Legislature finds that pregnancy and childbirth can be incredibly special and powerful experiences. Unfortunately, systemic inequities and a lack of prenatal and postnatal care results in a higher likelihood of mortality and pregnancy-related health issues for Black women in particular. While West Virginia agencies and organizations have dedicated expertise and resources to address these problems, better coordination of resources and programs and development of new approaches are necessary.

The Legislature also finds:

- (a) The United States has the highest maternal mortality rate in the developed world and the only rate that is rising. West Virginia's overall maternal mortality rate is even higher than the national average. In 2017, West Virginia's maternal mortality rate was 21.4 per 100,000 compared with 17.4 per 100,000 nationally.
- (1) The maternal mortality rate is significantly higher among black women, who are three to four times more likely than white women to die from pregnancy-related complications.
- (2) West Virginia gets an F grade for its preterm birth rate from the March of Dimes. The

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15 preterm birth rate was 12.6 percent with inadequate prenatal care and poverty for women between 16 the ages of 15 and 44 identified as contributing factors. 17 (3) The Mountain State's infant mortality rate is one of the highest in the U.S. at 7.0. The 18 infant mortality rate for the U.S. in 2022 was 5.547 deaths per 1000 live births. 19 (4) Nursing mothers are not sufficiently supported in West Virginia and are suffering 20 negative health consequences and being forced to choose between breastfeeding and earning a 21 paycheck. 22 (5) Babies who are fed breastmilk have stronger immune systems and therefore have 23 higher protection from illnesses and diseases, ranging from the common cold to diabetes. 24 (6) Breastfeeding also has protective factors for the mother, lowering the risk for 25 developing osteoporosis, breast, ovarian, and uterine cancers, and rheumatoid arthritis; 26 breastfeeding may reduce postpartum anxiety and depression. 27 (7) Even with West Virginia's Pregnant Workers' Fairness Act, too many nursing mothers 28 are left without the ability to pump at work. Without these accommodations, nursing mothers face 29 serious health consequences, including risk of painful illness and infection, diminished milk supply, 30 or inability to continue breastfeeding. 31 (8) West Virginia Department of Health and Human Resources Family Planning Program 32 offers exemplary and beneficial services, but the program is under-resourced and not well known 33 by potential clients. Therefore, family planning is not fully accessible in West Virginia. 34 (9) Contraception and family planning allows people to attain their desired number of 35 children, if any, and to determine the spacing of their pregnancies. 36 (10) The prevention of unintended pregnancies helps to lower maternal illness and 37 disease, and the number of pregnancy-related deaths. Delaying pregnancies in young people who 38 are at increased risk of health problems from early childbearing, and preventing pregnancies among older women who also face increased risks, are important health benefits of family 39 40 planning.

11	(11) Untreated substance use disorders can have long-term negative impacts on the			
12	mother, baby, family, and society.			
43	(12) Maternal mental health conditions are the most common complications of pregnand			
14	and childbirth, affecting 1 in 5 women or 800,000 women annually, during pregnancy or the y			
45	following pregnancy.			
16	(13) Maternal mental health and substance use disorders contribute to the high rate			
17	maternal mortality in the United States, with suicide and drug overdose combined being the			
18	leading cause of death for women in the first year following pregnancy.			
19	(14) Untreated maternal mental health conditions are estimated to cost the West Virgi			
50	economy \$86,000,000 every year due to mother's lost wages and productivity, and poor hea			
51	outcomes of mother and baby.			
52	(15) Frontline providers who care for women during pregnancy and the first year follow			
53	pregnancy are often reluctant to screen for maternal mental health conditions, citing lack			
54	education, insurance reimbursement, and resources for affected women.			
55	(b) As the rest of the world and states across the nation work to improve maternal health			
56	outcomes, rising maternal mortality rates in West Virginia are precipitating a public health crisis,			
57	one that puts women of color and all rural women at particular risk. This bill includes a			
58	comprehensive set of proposals that will save West Virginians' lives and improve health outcomes			
59	for all.			
60	(c) The West Virginia Legislature finds that proper care that women and birthing people			
31	deserve should be inclusive, respectful and accessible; regardless of race, ethnicity, gender			
62	identity, sexual orientation, religion, marital status, familial status, socioeconomic status,			
63	immigration status, incarceration status, or disability.			
	§16-4G-2. Short title.			
1	This article may be cited as the "West Virginia Maternal Health & Family Support Act of			
2	2023"			

	§16-4G-3. Definitions.			
1	In this article:			
2	(a) Culturally congruentThe term "culturally congruent", with respect to care or matern			
3	care, means care that is in agreement with the preferred cultural values, beliefs, worldview,			
4	language, and practices of the health care consumer and other stakeholders.			
5	(b) Birth equity – The term "birth equity" means the assurance of the conditions of optimal			
6	births for all people with a willingness to address racial and social inequalities in a sustained effort.			
7	(c) Postpartum and postpartum periodThe terms "postpartum" and "postpartum period"			
8	refer to the 1-year period beginning on the last day of the pregnancy of an individual. The care			
9	provided to a mother and her child does not end with labor and delivery.			
10	(d) Racial and ethnic minority groupThe term "racial and ethnic minority group" is widely			
11	used and often defined by numbers in terms of the majority or minority of a population based on			
12	demographics, but it is widely accepted, including by the APA (American Psychological			
13	Association) style guide and definitions as being about more than statistical determinations of			
14	population. Race refers to physical differences that groups and cultures consider socially			
15	significant. For example, people might identify their race as Aboriginal, African American or Black,			
16	Asian, European American or White, Native American, Native Hawaiian or Pacific Islander, Māori,			
17	or some other race. Ethnicity refers to shared cultural characteristics such as language, ancestry,			
18	practices, and beliefs. For example, people might identify as Latino or another ethnicity. Race is a			
19	social construct that is not universal.			
20	(e) Marginalized Communities - The term "marginalized communities" refers to groups and			
21	communities that experience discrimination and exclusion (social, political, and economic)			
22	because of unequal power relationships across economic, political, social, and cultural			
23	dimensions.			
	§16-4G-4. Housing for Moms Grant Program.			
1	(a) The West Virginia Housing Development Fund shall work with relevant state agencies			

2	and not-for-profit agencies, and representatives from local housing authorities to establish			
3	Housing for Moms grant program to make grants to eligible entities to increase access to saf			
4	stable, affordable, and adequate housing for pregnant and postpartum individuals and the			
5	families.			
6	(b) Grants The West Virginia Housing Development Fund shall develop and publicize			
7	grant application process. To be eligible to receive a grant under this section, an eligible entity s			
8	submit to the West Virginia Housing Development Fund an application. Applications shall			
9	reviewed and grant awards made at the Fund's discretion.			
10	(c) Use of FundsAn eligible entity that receives a grant under this section shall use fu			
11	under the grant for the purposes of			
12	(1) Identifying and conducting outreach to pregnant and postpartum individuals who			
13	low-income and lack consistent access to safe, stable, affordable, and adequate housing;			
14	(2) Providing safe, stable, affordable, and adequate housing options to such individuals;			
15	(3) Connecting such individuals with local organizations offering safe, stable, affordable,			
16	and adequate housing options;			
17	(4) Providing application assistance to such individuals seeking to enroll in programs			
18	offering safe, stable, affordable, and adequate housing options;			
19	(5) Providing direct financial assistance to such individuals for the purposes of maintaining			
20	safe, stable, and adequate housing for the duration of the individual's pregnancy and postpartum			
21	periods; and			
22	(6) Working with relevant stakeholders to ensure that local housing and homeless shelter			
23	infrastructure is supportive to pregnant and postpartum individuals.			
24	(d) ReportingThe West Virginia Housing Development Fund shall require each eligible			
25	entity receiving a grant under this section to annually submit to the Housing Development Fund			
26	and make publicly available a report on the status of activities conducted using the grant.			
27	(e) Not later than the end of each fiscal year in which grants are made under this section,			

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the Director of the West Virginia Housing Development Fund shall submit to the Legislature and make publicly available a report that summarizes the grants, evaluates the effectiveness of grants awarded in increasing access to safe, stable, affordable, and adequate housing for pregnant and postpartum individuals and their families; and makes recommendations with respect to ensuring affordable housing.

### §16-4G-5. Report on transportation and barriers to care.

- No later than one year after the date of enactment of this article, the West Virginia

  Department of Health and Human Resources shall submit to the Legislature and make publicly
  available a report regarding transportation barriers preventing individuals from attending prenatal
  and postpartum appointments, accessing maternal and pediatric health care services, or
  accessing related services and resources. The report shall contain at a minimum the following:
- (a) An assessment of medical transportation services and current capacity within all 55 counties and/or regions of the state;
- (b) An assessment of public transportation services; including identification of communities with available public transportation and those without such services;
- (c) Recommendations on how to overcome the barriers assessed under paragraph (1). §16-4G-6. Nutrition.
- Department of Health and Human Resources shall subsize additional Supplemental

  Nutrition Assistance Program benefits.
- (a) As of March 1, 2023, emergency allotments (EA) for the Supplemental Nutrition
   Assistance Program (SNAP) will be cut.
- (b) The state shall allot funding to provide an increase in SNAP benefits with a priority for
   pregnant people and families with children. This increase shall be at least equal to the federal
   emergency allotments that expire on March 1, 2023.
  - §16-4G-7. Respectful maternity care training for all employees providing prenatal, labor,
    and postpartum care.

1	Grants - The Department of Health and Human Resources shall offer grants for programs			
2	to reduce and prevent bias and discrimination in maternity care settings and to advance respectful,			
3	culturally congruent, trauma-informed care.			
4	(a) Special Consideration: In awarding grants the Department of Health and Human			
5	Resources shall give special consideration to applications for programs that would			
6	(1) Apply to all maternity care providers and any employees who interact with pregnant a			
7	postpartum individuals in the provider setting, including front desk employees, sonographe			
8	schedulers, health care professionals, hospital or health system administrators, security staff, and			
9	other employees;			
10	(2) Emphasize annual, as opposed to one-time, trainings for all health care professionals			
11	and employees in participating programs or facilities;			
12	(3) Address implicit bias, racism, and cultural humility;			
13	(4) Include trauma-informed care best practices and an emphasis on shared decision			
14	making between providers and patients;			
15	(5) Be delivered in settings that apply to providers of the special supplemental nutrition			
16	program for women, infants, and children;			
17	(6) Integrate bias training in obstetric emergency simulation trainings or related trainings;			
18	(7) Offer training to all maternity care providers on the value of culturally congruent care,			
19	particularly with respect to race, ethnicity, and gender;			
20	(b) Application To seek a grant under subsection (a), an entity shall submit an application			
21	at such time, in such manner, and containing such information as the Secretary of Department of			
22	Health and Human Resources may require.			
	§16-4G-8. Maternal Mental Health Equity.			
1	Department of Health and Human Resources Bureau for Public Health shall establish a			
2	program to award grants to eligible entities to educate the public and health care providers about			
3	maternal mental health conditions with respect to all pregnant and postpartum individuals			

	§16-4G-9.	Family	planning.	
28	health care p	roviders who treat maternal mental health conditions and substance	use disorders.	
27	<u>(6) In</u>	mproved coordination between maternity care providers and mental	and behavioral	
26	postpartum individuals.			
25	(5) Establish or expand programs to prevent suicide or self-harm among pregnant and			
24	pregnant and postpartum individuals from racial and ethnic minority groups.			
23	(4) Raise awareness of warning signs of maternal mental health conditions, with a focus of			
22	racial and ethnic minority groups.			
21	(3) Ac	ddress stigma associated with maternal mental health conditions,	with a focus on	
20	<u>(2) En</u>	nhanced screening, prevention, and treatment of maternal mental he	alth conditions.	
19	mental health	<u>ı conditions.</u>		
18	<del>, , , , , , , , , , , , , , , , , , , </del>			
17	(d) Special Consideration:			
16	groups.			
15	health during the prenatal and postpartum periods, with a focus on individuals from marginalize			
14	4 postpartum care programs; existing group programs that improve maternal mental and behave			
13	<u>(c) Gr</u>	rants shall be used to establish or expand group prenatal care pro	grams or group	
12	receive health care services.			
11	behavioral health care services into primary care settings where pregnant individuals regular			
10	to establish or expand maternity care programs to improve the integration of maternal health a			
9	(b) Use of Funds An eligible entity that receives a grant under this section shall use fur			
8	how such entity will use funds for activities.			
7	under this section an eligible entity shall submit to the Secretary of DHHR an application includi			
6	requirements and disseminate requests for proposals annually. To be eligible to receive a gra			
5	(a) Grants The Bureau for Public Health shall create an application process and eligibil			
4	including a focus on racial and ethnic minority groups and underserved communities.			

1 (a) To minimize barriers to family planning access afforded through the West Virginia Department of Health and Human Resources Family Planning Program, the state shall allocate 2 3 funds to enable increased staffing and hours of operation of all Family Planning sites. 4 (b) To ensure West Virginians are aware of the benefits of family planning and the 5 availability of services in every county, Department of Health and Human Resources shall create 6 and launch a monthly public education campaign that reaches diverse audiences with regard to 7 age, gender, race, ethnicity, and geographic location. CHAPTER 21. LABOR. ARTICLE 5J. PAID PARENTAL LEAVE PILOT PROGRAM. Legislative findings; §21-5J-1. purpose. 1 (a) The Legislature recognizes that the birth or adoption of a child is a significant life event 2 which poses unique challenges for working families. 3 (b) The purpose of the pilot program established in this article is to determine the viability of 4 paid parental leave for state employees as a means of promoting working families' physical and mental health, increasing employee retention, and improving employee productivity and morale 5 6 following the birth or adoption of a child. Definitions. §21-5J-2. 1 As used in this article: 2 "Child" means an individual under the age of 12 who is the biological or adopted child of an 3 employee. "Child" does not include a child who is the biological, adopted, or foster child, stepchild, 4 or legal ward of the employee's spouse but not the employee prior to his or her marriage to the 5 employee, and who is adopted by the employee following the marriage. 6 "Department" means the Department of Labor. 7 "Employee" means any individual engaged in full-time permanent employment, who has 8 worked for at least 12 consecutive weeks performing services for remuneration for any

9	department, division, board, bureau, agency, commission, or other unit of state government prior			
10	to filing a claim under this article. "Employee" does not include:			
11	(1) An individual employed by a person who is not an "employer" as defined by this article			
12	(2) An individual holding an elected public office;			
13	(3) A part-time employee; or			
14	(4) A person in a vocational rehabilitation facility certified under federal law who has been			
15	designated an evaluee, trainee, or work activity client.			
16	"Employer" includes any department, division, board, bureau, agency, commission, or			
17	other unit of state government. "Employer" does not include a county, municipality, or any un			
18	thereof, or a county board of education.			
19	"Employment benefits" means all benefits, other than salary or wages, provided or made			
20	available to employees by an employer, and includes group life insurance, health insurance,			
21	disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of			
22	whether such benefits are provided by a policy or practice of an employer or by an employee			
23	benefit plan as defined in the federal Employee Retirement Income Security Act of 1974.			
24	"Spouse" means any person legally married to an "employee" covered under this article.			
	§21-5J-3. Paid parental leave.			
1	(a) An employee is entitled to a total of 12 weeks of paid leave during any 12-month period			
2	to care for and bond with his or her child during:			
3	(1) The first 12 months after the child's birth, for a child born during the period July 1, 2023,			
4	through July 1, 2026.			
5	(2) The first 12 months after adoption of a child which occurs during the period July 1,			
6	2023, through July 1, 2026.			
7	(b) The paid leave provided under this article is in addition to accrued annual or sick leave			
8	(c) An employee who takes paid leave under this article forfeits his or her right to take			
9	unpaid leave under §21-5D-4(a)(1) or §21-5D-4(a)(2) of this code during any 12-month period			

10	beginning on July 1, 2023.			
11	(d) The paid leave provided under this article may be combined with the unpaid parenta			
12	leave provided under §21-5D-4(a)(3) of this code for a maximum duration of 18 weeks of paid and			
13	unpaid leave per 12 months beginning on July 1, 2023.			
14	(e) An employee may not take leave under this section intermittently or on a reduced leav			
15	schedule unless the employee and the employer agree otherwise.			
16	(f) An employee taking leave under this article is entitled to receive a weekly benefit of 90			
17	percent of his or her average weekly wage, up to a maximum of \$1,000 per week, while on leave			
18	pursuant to this section.			
	§21-5J-4. Filing a claim for benefits; notification of eligibility or ineligibility; payment of			
	benefits.			
1	(a) To receive benefits under this article, an employee may file a claim with his or her			
2	employer in a form and manner required by the department, and shall include the following			
3	documentation supporting the request for leave:			
4	(1) For birth, the child's birth certificate.			
5	(2) For adoption, the child's new adoption birth certificate or decree of adoption by a cour			
6	of competent jurisdiction.			
7	(b) The employer shall submit all claims to the department within three business days of			
8	receipt.			
9	(c) The department shall notify the employer and the employee of the employee's eligibility			
10	or ineligibility for benefits under this article within seven days of receiving a claim.			
11	(d) If an employee is ineligible, the department shall specify the reason for ineligibility.			
12	(e) Payment of benefits to the employee shall be prorated to the date of eligibility.			
	§21-5J-5. Paid parental leave pilot program fund.			
1	(a) There is hereby created in the State Treasury a special revenue account to be known			
2	as the Paid Parental Leave Pilot Program Fund. The fund shall be administered by th			

department. The fund shall consist of all moneys deposited into the fund pursuant to §60-8A-3 of
this code; any moneys that may be designated for deposit in this fund by an act of the Legislature;
any moneys appropriated and designated for the fund by the Legislature; any moneys able to be
transferred into the fund by authority of the commissioner from other funds; and gifts, donations,
and interest or other returns earned from investment of the fund.
(b) Expenditures from the fund shall be for the purpose of paying benefits to eligible
employees under this article, and are not authorized from collections, but are to be made only in
accordance with appropriations by the Legislature and in accordance with the provisions of §12-3-
1 et seq. of this code and upon the fulfillment of the provisions set forth in §11B-2-1 et seq. of this
code.
(c) Any balance, including accrued interest and other returns, remaining in the fund on
December 31, 2026, shall revert to the General Revenue Fund.
§21-5J-6. Group health coverage; position upon return from leave; employment benefits
and seniority.
and seniority.  (a) During any leave taken by an employee under this article, the employer shall continue
(a) During any leave taken by an employee under this article, the employer shall continue
(a) During any leave taken by an employee under this article, the employer shall continue group health insurance coverage for the employee: <i>Provided</i> , That the employee shall pay to the
(a) During any leave taken by an employee under this article, the employer shall continue group health insurance coverage for the employee: <i>Provided</i> , That the employee shall pay to the employer the premium costs of such group health insurance coverage attributable to the
(a) During any leave taken by an employee under this article, the employer shall continue group health insurance coverage for the employee: <i>Provided</i> , That the employee shall pay to the employer the premium costs of such group health insurance coverage attributable to the employee.
(a) During any leave taken by an employee under this article, the employer shall continue group health insurance coverage for the employee: <i>Provided</i> , That the employee shall pay to the employer the premium costs of such group health insurance coverage attributable to the employee.  (b) The position held by the employee immediately before leave taken under this article is
(a) During any leave taken by an employee under this article, the employer shall continue group health insurance coverage for the employee: <i>Provided</i> , That the employee shall pay to the employer the premium costs of such group health insurance coverage attributable to the employee.  (b) The position held by the employee immediately before leave taken under this article is commenced shall be held for a period not to exceed the 12-week period of the leave, or 18-week
(a) During any leave taken by an employee under this article, the employer shall continue group health insurance coverage for the employee: <i>Provided</i> , That the employee shall pay to the employer the premium costs of such group health insurance coverage attributable to the employee.  (b) The position held by the employee immediately before leave taken under this article is commenced shall be held for a period not to exceed the 12-week period of the leave, or 18-week period of the combined leave under §21-5J-3(d) of this code, and the employee shall be returned
(a) During any leave taken by an employee under this article, the employer shall continue group health insurance coverage for the employee: <i>Provided</i> , That the employee shall pay to the employer the premium costs of such group health insurance coverage attributable to the employee.  (b) The position held by the employee immediately before leave taken under this article is commenced shall be held for a period not to exceed the 12-week period of the leave, or 18-week period of the combined leave under §21-5J-3(d) of this code, and the employee shall be returned to that position: <i>Provided</i> , That the employer may employ a temporary employee or temporary
(a) During any leave taken by an employee under this article, the employer shall continue group health insurance coverage for the employee: <i>Provided</i> , That the employee shall pay to the employer the premium costs of such group health insurance coverage attributable to the employee.  (b) The position held by the employee immediately before leave taken under this article is commenced shall be held for a period not to exceed the 12-week period of the leave, or 18-week period of the combined leave under §21-5J-3(d) of this code, and the employee shall be returned to that position: <i>Provided</i> , That the employer may employ a temporary employee or temporary employees to fill said position for the period of the leave taken under this article.

	§21-5J-7.	Emj	oloyer	survey.
1	(a) On July 1, 2024 and each year thereafter, the department shall survey each empl			
2	to which a claim has been submitted in a form and manner required by the department which			he department which
3	includes the following information for each eligible employee who took leave under this article in			
4	the preceding 12 months:			
5	(1) The duration of leave taken by the employee under this article;			
6	(2) The duration of any leave taken by the employee under §21-5D-1 et seq. of this cod			1 et seq. of this code;
7	(3) Whether the employer employed a temporary employee or temporary employees to			orary employees to fill
8	the position of the employee taking leave under this article for the period of the leave;			the leave;
9	(4) The	duration of employment of each	such temporary employee;	
10	(5) The gross salary paid to each such temporary employee;			
11	(6) The	type and cost of each additional e	mployee benefit provided to	each such temporary
12	employee.			
13	(b) The	information collected under this s	ection shall be submitted to	the Joint Committee
14	on Government and Finance on or before August 1, 2024, and each year thereafter.			ereafter.
	§21-5J-8.	Perfo	rmance	review.
1	The dep	partment shall report to the Joi	nt Committee on Governm	nent Organization on
2	October 1, 2025	5, and each year thereafter the fir	ndings of the performance re	eview which includes,
3	at a minimum:			
4	(1) An evaluation of the utilization, fiscal impact, and effectiveness of the pilot program;			
5	(2) A recommendation as to whether the paid family leave provided under this section			
6	should be continued, reduced, expanded, terminated, or otherwise modified;			
7	(3) Any recommended legislation; and			
8	(4) Any	other issues considered relevant	<u>-</u>	
	<u>§21-5J-9.</u>	Emergency	rulemaking	authority.
1	<u>The</u> de	partment may promulgate eme	ergency and legislative ru	iles pursuant to the

2 provisions of §29A-3-1 et seq. of this code to effectuate the provisions of this article.

§21-5J-10. Sunset.

1 This article shall be of no further force and effect on December 31, 2027.

NOTE: The purpose of this bill is to provide support during and after pregnancy to mothers and provide services to attempt to diminish the likelihood of mortality and pregnancy-related health issues.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.