



## SB 848 (Rubio) Reproductive Loss Leave

### Bill Summary

SB 848 would protect the jobs of Californians who experience the trauma of a miscarriage, failed adoption, or other reproductive loss event by providing them with up to 5 days of job-protected leave, similar to the existing 5-day Bereavement Leave benefit under the California Family Rights Act.

### Existing Law

The California Family Rights Act (CFRA) requires private employers with 5 or more employees, and public employers, to allow a qualified employee to take up to 12 work weeks in any 12-month period for unpaid family care and medical leave. The CFRA was recently expanded to provide up to 5 days of job-protected Bereavement Leave for time to grieve and attend to logistical matters in the event of the death of a close family member.<sup>1</sup> Additionally, California's Pregnancy Disability Leave (PDL) requires employers to allow a woman to take up to 4 months of unpaid leave during or after pregnancy.

### Background

Reproductive loss is one of the most traumatizing events a person can experience, and unfortunately, it is far too common. Approximately half of all pregnancies end in miscarriage, and up to 15 percent of known pregnancies end in the traumatizing event of miscarriage or stillbirth.<sup>2</sup>

Existing family leave programs don't fully apply to parents experiencing reproductive loss. Bereavement Leave does not include instances of stillbirth, miscarriage, fertility, or adoption loss events suffered

by millions of families. Additionally, PDL only applies to the parent physically carrying a child to term and does not provide leave time to the other parent.

Several states have recently passed legislation to provide leave for reproductive loss events, including Utah<sup>3</sup> and Illinois<sup>4</sup> in 2022. Local governments such as Pittsburgh, Pennsylvania and Boston, Massachusetts also provide their employees with leave for pregnancy loss.<sup>5</sup> Additionally, many private employers currently provide leave for reproductive loss, including Liberty Mutual Insurance and Altria.<sup>6</sup>

### Details of the Bill

SB 848 would create a Reproductive Loss Leave benefit to provide up to 5 days of job-protected leave for individuals who suffer from reproductive loss events, including miscarriage, a failed adoption, or an unsuccessful assisted reproductive technology procedure. The bill would require the leave be completed within three months of the reproductive loss and prohibit an employer from discriminating against or firing an employee for exercising their right to Reproductive Loss Leave.

### Support

- CalSPAC (*Sponsor*)
- Forever Footprints (*Sponsor*)
- Consumer Attorneys of California
- First Candle
- Grieving Dads
- Initiate Justice
- Mommies Enduring Neonatal Death (MEND)

<sup>1</sup> Chapter 767, Statutes of 2022.

<sup>2</sup> <https://www.marchofdimes.org/find-support/topics/miscarriage-loss-grief/miscarriage>

<sup>3</sup> <https://le.utah.gov/~2022/bills/static/SB0063.html>

<sup>4</sup> <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3724&ChapterID=68>

<sup>5</sup> <https://www.hrmorning.com/news/bereavement-leave-pregnancy/>

<sup>6</sup> <https://www.bloomberg.com/news/newsletters/2023-01-12/employee-benefits-some-companies-offer-paid-time-off-for-miscarriage>



### **Support (continued)**

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- National Council of Jewish Women Los Angeles
- Return to Zero: HOPE

### **For More Information**

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