**Milk Matters: Employer Compliance with the Break Time for Nursing Mothers Law**

*A guide for providing technical assistance to employers*

This document is designed to provide public health departments and their partners useful strategies for disseminating information about the Break Time for Mothers law to employers, and to facilitate the provision of technical assistance.

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**Basic Provisions of the Federal Law: Section 7(r) of the Fair Labor Standards Act – Break Time for Nursing Mothers Provision**

Effective March 23, 2010, the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act (FLSA) to require employers to provide a nursing mother reasonable break time to express breast milk after the birth of her child. The amendment also requires that employers provide a place for an employee to express breast milk.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

(R)(1) An employer shall provide –
   a) a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express the milk; and
   b) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

(2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose.

(3) An employer that employs <50 employees shall not be subject to the requirements of this subsection, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.

(4) Nothing in this subsection shall preempt a State law that provides greater protections to employees than the protections provided for under this subsection. 11

*Individual state laws are listed later in this document; a hyperlink is included in the resources section for an up-to-date listing of all state laws.*

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**Employers Bound by the Nursing Mother Law**

- This law applies to all employers, regardless of the number of employees
- Employers with less than 50 employees may appeal compliance with the law if undue hardship can be proven
- All employees should be counted regardless of gender or breastfeeding status
- Only hourly wage-earning employees are covered by the federal law
Interpreting the Law

This law raises many questions that are not easily answered with regard to what frequency or duration is adequate to express or pump breast milk. This ambiguity accounts for variations between individuals in the amount of time and frequency needed for milk expression. Other factors for employers to consider are setup and breakdown of pumping equipment, including cleaning of its parts, as well as storage of milk and transit time to and from the location provided for milk expression.

About the space

- Does not have to be dedicated to expressing breast milk, but if it isn’t, it must be available and private whenever needed for pumping, meaning that the employee is concealed from view and is free from intrusion
- Providing a chair, a small table and an electrical outlet for the pump, and refrigeration for expressed milk are additional accommodations that increase employee support
- Ideally located near a room with a sink to wash the parts of the pump

About the breaks

- Will vary by employee in both duration and frequency
- Are not required to be paid unless all employee breaks are paid
- Employee must be completely relieved of duty to be considered on break
- Providing highly efficient hospital-grade (multi-user) pumps can result in shorter break times

The Public Health Concern

Of all infants born in the United States, 80% start out breastfeeding; 60% of moms stop breastfeeding earlier than intended. Working outside the home is related to a shorter duration of breastfeeding, and intentions to work full-time are significantly associated with lower rates of breastfeeding initiation and shorter duration. Given the substantial presence of mothers in the work force, there is a strong need to establish lactation support in the workplace.

Although the Break Time for Mothers law is housed in the Fair Labor Standards Act (FLSA) within the U.S. Department of Labor (DOL), support for breastfeeding is clearly a public health concern, as evidenced by the 2011 Surgeon General’s Call to Action to Support Breastfeeding. For this reason, public health professionals are leading efforts to provide assistance to employers.

Public health departments and their partners, particularly state and local breastfeeding coalitions, are especially well suited to provide support and technical assistance to employers in implementing this law. Partnering with state Departments of Labor and regional offices of the U.S. DOL will strengthen the assistance provided on the details of the applicable law – whether federal or state. Departments of Labor can assist in interpretation of applicable law as it applies to individual employers if needed.

The Role of Public Health Professionals

Public health professionals likely have established relationships with nursing mothers who earn low wages and participate in nutrition-based and other public health programs. These mothers may be reluctant to advocate for themselves due to a lack of job protection. Public health professionals with whom they interact are positioned to advocate on behalf of these mothers when working with employers to develop programs to provide lactation accommodation.
Public health professionals at the state and federal levels have been instrumental in the development of practical solutions for lactation accommodation easily provided by employers. In particular, the collaboration that public health professionals establish with partners allow for the concerted effort necessary to educate and communicate with employers.

Providing education and assistance to employers is vital for ensuring that employees receive the support they need to sustain breastfeeding after returning to work since employers may be unaware of the law, its requirements, and the temporal and changing nature of nursing employee needs. The following guidance can be tailored to suit the needs of employers and the unique challenges they may face in complying with this legislation.

## Working with Employers

Many states have enacted their own laws for accommodating nursing mothers. Where the state law is stronger than the federal law, the text of the state law can be substituted for or added to the federal legislation provided to employers. When providing state or local legislation to employers, it is important to explain what the legislation means in plain and explicit language. Solutions and examples should be similarly straightforward. The two-page document for employers provided with this guide is a useful tool to assist local public health professionals with outreach and education.

In outreach, focusing on the benefits to employees and to the organization by extension is likely to have greater impact on employers. These benefits are outlined in the accompanying document directed at employers. The examples of benefits may also vary by state depending on the programs your state or partners offer, such as an employer recognition program or incentive program.

Technical assistance provided to employers may also acknowledge common challenges that employers have cited in complying with the law. Many challenges that have been encountered are industry-specific and have been met with a wide variety of solutions with little to no cost. Acknowledging perceived challenges validates the employer's concerns and offers an opportunity to discuss options to comply with minimal inconvenience to employer or employee.

Another important component of technical assistance is providing examples of employers who have found successful solutions to implementing time and space requirements. The benefits of providing this critical support for breastfeeding employees may be a part of these examples (an example is provided in the employer document). Provision of positive examples can improve negative perceptions of accommodating nursing employees and make the process smoother. The Office on Women’s Health has collected industry-specific examples of successful nursing employee program implementations and can be found at [http://www.womenshealth.gov/breastfeeding/employer-solutions/industry.html](http://www.womenshealth.gov/breastfeeding/employer-solutions/industry.html).

Ultimately, employers should be strongly encouraged to openly discuss what their employees need. Work with them to find a solution if none have been found previously or if the available solutions are not a good fit. Open communication between employer and employee can make this process easier. Technical assistance on communication about breast milk and pumping to facilitate open conversations may be needed.

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**The obligation to support breastfeeding employees is temporary, but loyalty of employees lasts much longer. Compliance is a good investment for all employers.**
Public Health Actions to Promote Employer Compliance

1) Establish Strong Partnerships

A partnership assessment should first be conducted to identify key stakeholders with the resources and capacity to collaborate on the provision of technical assistance to employers. A useful assessment tool is available from the World Health Organization. Collaborators can complement each other and provide collective capacity to assist employers. Partners to consider: chambers of commerce, health insurers, trade associations, trade unions, the Society for Human Resource Management, professional organizations for women, and state and local breastfeeding coalitions.

The U.S. Breastfeeding Committee and other federal partners have Subject Matter Experts (SMEs) to provide technical assistance to the state-level partners who may provide outreach and assistance to employers. Local and state breastfeeding coalitions are also important partners to consider. Ideally, at least one partner will have a wide reach in contact with employers.

Thou the U.S. Department of Labor houses the law and is responsible for enforcement, the local health departments can play a role in providing the primary technical assistance along with their partners, especially breastfeeding coalitions. The U.S. DOL’s regional offices may be partners and can provide technical assistance with the law itself in nuanced situations or where interpretation of state laws may be less clear.

2) Provide Outreach and Education

Making sure that employers are aware of both their obligations to accommodate nursing mothers and the benefits they stand to gain may be the primary goals of interventions targeting employers. Some employer benefits are highlighted in the employer document. The solutions are often simple and cost little to implement, but employers should be recognized for their efforts. This initial contact can serve as the establishment of ongoing communication with the employer.

Employers can be encouraged to continually evaluate the needs of its employees. Because of the temporal nature of the support for each mother, needs may change over time and accommodations can change as well.

3) Provide Technical Assistance

Technical assistance helps employers overcome unique challenges in their efforts to comply with the law and possibly surpass minimal accommodation requirements. Employers have been amenable to making these accommodations and are willing to comply with the law when given the education and technical assistance that they need. Individualized selection and utilization of resources and tools can
be provided as a part of technical assistance. Online resources are plentiful and a variety of comprehensive resources are provided later in this document; selection of appropriate employer-specific resources strengthens the support provided to employers.

4) **Develop and Promote an Employer Recognition Program**

Employer recognition programs such as the Mother-Friendly Worksite Program in Texas allow employers to gain recognition for their efforts in supporting breastfeeding employees. The employer recognition programs identify and recognize positive steps employers have taken to support breastfeeding mothers. These recognition programs have proven effective in other areas of breastfeeding support; particularly in hospital-based maternity care practices, and, more recently, in early care and education. Endorsement of a recognition program by a state’s governor raises the program’s profile and increases participation.

In structuring this sort of initiative, consider recognizing levels of commitment by employers: tiers of recognition for additional effort beyond the minimum. Additional efforts that enhance support for breastfeeding mothers in the workplace may be beneficial for mothers, their children and employers. For example, providing a means of refrigeration would make it convenient for the mother to store and preserve her breast milk for her child. This convenience for the mother can increase employer loyalty.

Because state recognition programs generally require documentation from the employer seeking recognition, state recognition programs may also be a means of monitoring which employers are compliant.

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**Designation Program Highlight: Mother-Friendly Worksite Program**

The Texas Department of State Health Services (DSHS) began to implement the Texas Mother-Friendly Worksite Policy Initiative in 2010 to facilitate the development and statewide implementation of best-practice worksite policies that support breastfeeding. To assist employers with designation, DSHS developed a toolkit and provides technical assistance to employers seeking designation. Official tiered recognition is provided to worksites that adhere to the program’s criteria for being “mother-friendly,” including having a written and communicated policy that provides space in the worksite for breastfeeding mothers, flexible work schedules for breastfeeding mothers, and access to hygienic storage options. The program recognizes efforts implemented beyond minimum requirements that provide stronger support for nursing mothers. For example, providing access to lactation support professionals is not required but greatly strengthens the support for nursing employees. Currently, there are nearly 2000 worksites in Texas designated “Mother-Friendly” worksites.

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5) **Monitor and Evaluate**

Technical assistance provided by public health professionals can be recorded and evaluated for effectiveness. The Plan-Do-Study-Act (PDSA) method is commonly used in public health and a template with instruction is available from the University of North Carolina’s School of Medicine. PDSA is cyclical and can be used perpetually in establishing interventions and in ongoing quality improvement.

To monitor short and intermediate impact, employers can be encouraged to keep usage logs of pumping rooms to help determine if employees’ needs are being met and if more rooms are needed. Satisfaction questionnaires may also be used to monitor program satisfaction. The National Business Group on Health provides these forms in their toolkit for employers. For long-term impacts, Human Resources or supervisors may want to record absenteeism and employee turnover rates.
Resources:

Legislation text:

Section 7(r) of FLSA
http://www.dol.gov/whd/nursingmothers/Sec7rFLSA_btnm.htm
Full text of the legislation amended by the PPACA.

Fact Sheet #73 on FLSA
http://www.dol.gov/whd/regs/compliance/whdfs73.pdf
Department of Labor-produced fact sheet intended to offer guidance on the legislation

State Legislation Guide
The National Conference of State Legislatures provides a listing of state laws regarding breastfeeding and links to the state legislative text for each (text located at end of resource section)

Partnering Resources:

WHO Partnership Assessment Tool
http://www.who.int/management/partnerships/overall/Partnership%20tools-en.doc
World Health Organization’s tool for assessing partnership roles and process

U.S. Department of Labor Regional Offices
http://www.dol.gov/whd/america2.htm
Clickable map of states linking to regional or area offices of the U.S. DOL’s Wage and Hour Division

Directory of state breastfeeding coalitions
http://www.usbreastfeeding.org/coalitions-directory
Contact information for breastfeeding coalitions by state

Guidance and Toolkits:

Business Case for Breastfeeding
http://mchb.hrsa.gov/pregnancyandbeyond/breastfeeding/
Health Resources and Services Administration’s comprehensive guide to creating a breastfeeding-friendly worksite

Texas Mother-Friendly Worksite Program’s Employer Toolkit
http://www.womenshealth.gov/breastfeeding/business-case-for-breastfeeding.html
A comprehensive guide from the Texas Department of State Health Services to planning and implementing a breastfeeding-friendly policy for employers, including worksheets to assist in assessing and planning

Employer Toolkit
https://www.businessgrouphealth.org/toolkits/et_breastfeeding.cfm
A comprehensive guide designed to assist employers in designing and implementing an effective breastfeeding/pumping policy

The CDC Guide to Breastfeeding Interventions
CDC’s guide for public health professionals for assistance in selecting breastfeeding-related intervention strategies
**Employer Support and Solutions:**

Office on Women’s Health Industry-Specific Solutions
http://www.womenshealth.gov/breastfeeding/employer-solutions/industry.html

The Office on Women’s Health provides comprehensive solutions to common challenges unique to specific industries

**Breastfeeding-Related Laws by State:**

The following listing of state laws can be used to determine if employers are bound by the federal law or state law addressing workplace accommodation for breastfeeding. Employers are obligated to follow the law providing stronger protection and support for nursing employees. Using plain-language explanations when providing guidance to employers may increase understanding and facilitate solutions in complying with the law.

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### Summary of Laws by State

<table>
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<tr>
<th>State</th>
<th>Law</th>
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<tbody>
<tr>
<td>Alabama</td>
<td>Ala. Code § 22-1-13 allows a mother to breastfeed her child in any public or private location. (2006 Ala. Acts, Act 526; HB 351)</td>
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<tr>
<td>Alaska</td>
<td>Alaska Stat. § 29.25.080 and § 01.10.060 (1998) prohibit a municipality from enacting an ordinance that prohibits or restricts a woman breastfeeding a child in a public or private location where the woman and child are otherwise authorized to be. The law clarifies that lewd conduct, lewd touching, immoral conduct, indecent conduct, and similar terms do not include the act of a woman breastfeeding a child in a public or private location where the woman and child are otherwise authorized to be. (SB 297) 2014 Alaska House Concurrent Resolution 18 encourages hospitals and birthing facilities in the state to participate in the Baby-Friendly Hospital Initiative and to support breastfeeding.</td>
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<tr>
<td>California</td>
<td>Cal. Civil Code § 43.3 (1997) allows a mother to breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and the child are otherwise authorized to be present. (AB 157) Cal. Code of Civil Procedure § 210.5 (2000) requires the Judicial Court to adopt a standardized jury summons for use, which must include a specific reference to the rules for breastfeeding mothers. 2000 Cal. Stats., Chap. 266 (AB 1814) created the law and directs the Judicial Council to adopt a rule of court to allow the mother of a breastfed child to postpone jury duty for a period of up to one year and that after one year, jury duty may be further postponed upon written request by the mother. See California Rules of Court, Trial Court Rules, Rule 2.1006. Cal. Government Code § 12926 states it is unlawful to engage in specified discriminatory practices in employment or housing accommodations on the basis of sex. The law provides that, for purposes of the act, the term sex also includes breastfeeding or medical conditions related to breastfeeding. (2012 Cal. Stats., Chap. 705; AB 2386) Cal. Health and Safety Code § 1647 (1999) declares that the procurement, processing, distribution or use of human milk for the purpose of human consumption is considered to be a rendition of a service rather than a sale of human milk. (1999 Cal. Stats., Chap. 87; AB 53) Cal. Health and Safety Code § 1648 requires a hospital that collects, processes, stores or distributes human milk collection from a mother exclusively for her own child to comply with the standards for collection, processing, storage or distribution of human milk by the Human Milk Banking Association of North America unless the department of health approves alternate standards. No screening tests are required to be performed on human milk collected from a mother exclusively for her own child. Cal. Health and Safety Code § 123360 et seq. and § 1257.9 require the Department of Public Health to include in its public service campaign the promotion of mothers breastfeeding their infants. The department shall also develop a training course of hospital policies and recommendations that promote exclusive breastfeeding and specify staff for whom this model training is appropriate. The recommendation is targeted at hospitals with exclusive patient breastfeeding rates ranked in the lowest 25 percent of the state. To the extent that funding is available, the law requires the Department of Public Health to expand the...</td>
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breastfeeding peer counseling program at local agency California WIC sites. The law also requires all general acute care hospital and hospitals providing maternity care to make available a breastfeeding consultant or provide information to the mother about where to receive breastfeeding information. The law also establishes the Hospital Infant Feeding Act, which requires all general acute care hospitals and special hospitals that have perinatal units to have an infant-feeding policy and to clearly post that policy in the perinatal unit or on the hospital or health system website. The law requires the policy to be applied to all infants in a perinatal unit and routinely communicated to perinatal unit staff. (2007 Chapter 460, SB 22; 2011 Cal. Stats., Chap. 511, SB 502)

Cal. Health and Safety Code § 123366 requires all acute care and special hospitals that have a perinatal unit to adopt the “Ten Steps to Successful Breastfeeding” of the Baby-Friendly Hospital Initiative, or an evidence-based alternative with targeted outcomes adopted by a health care service plan, or the Model Hospital Policy Recommendations as defined by Cal. Health and Safety Code § 123366. (2015 Cal. Stats., Chap. 666, SB 402)

Cal. Labor Code § 1030 et seq. (2001) provides that employers need to allow a break and provide a room for a mother who desires to express milk in private.

Cal. Assembly Concurrent Resolution 155 (1998) encourages the state and employers to support and encourage the practice of breastfeeding by striving to accommodate the needs of employees, and by ensuring that employees are provided with adequate facilities for breastfeeding and expressing milk for their children. The resolution memorializes the governor to declare by executive order that all state employees be provided with adequate facilities for breast feeding and expressing milk.

2012 Cal. Stats., Chap. 701 amends the California Fair Employment and Housing Act that states it is unlawful to engage in specified discriminatory practices in employment or housing accommodations on the basis of sex. The law provides that the term “sex” also includes breastfeeding or medical conditions related to breastfeeding. (AB 2386)

2013 Cal. Stats., Chap. 563 specifies that pursuant to Cal. Civil Code § 43.3, an applicant or recipient of CalWORKs is entitled to breastfeed in any public area, or area where the mother and child are authorized to be present, including in a county welfare department or other county office. (SB 252)

**Colorado**

Colo. Rev. Stat. § 25-6-301 and § 25-6-302 (2004) recognize the benefits of breastfeeding and encourage mothers to breastfeed. The law also allows a mother to breastfeed in any place she has a right to be. (SB 88)

Colo. Rev. Stat. § 8-13.5-101 et seq. (2008) require an employer to provide reasonable break time for an employee to express breast milk for her nursing child for up to two years after the child’s birth. The employer must make reasonable efforts to provide a place, other than a toilet stall, for the employee to express breast milk in privacy. The law also requires the Department of Labor and Employment to provide, on its website, information and links to other websites where employers can access information regarding methods to accommodate nursing mothers in the workplace. (2008 Colo., Sess. Laws, Chap. 106, HB 1276)

**Connecticut**

Conn. Gen. Stat. § 31-40w (2001) requires employers to provide a reasonable amount of time each day to an employee who needs to express breast milk for her infant child and to provide accommodations where an employee can express her milk in private. (HF §566)


Conn. Gen. Stat. Ann. § 53-34b provides that no person may restrict or limit the right of a mother to breastfeed her child. 2012 Conn. Acts, P.A. 51 allows a jury administrator to grant a postponement of jury duty for no more than 12 months to any mother who is breast feeding her child or expressing breast milk for her child. The law requires the judicial branch to maintain information regarding jury services, including information for breastfeeding women about their ability to postpone jury service or request a reasonable accommodation be made, on its website. (SB 194)

**Delaware**


**District of Columbia**

D.C. Code Ann. § 2-1402.81 et seq. amend the Human Rights Act of 1977 to include breastfeeding as part of the definition of discrimination on the basis of sex, to ensure a woman’s right to breastfeed her child in any location, public or private, where she has the right to be with her child. The law provides that breastfeeding is not a violation of indecent exposure laws. The law also specifies that an employer shall provide reasonable daily unpaid break periods, as required by the employee, so that the employee may express breast milk for her child. These break periods shall run concurrently with any break periods that may already be provided to the employee. Requires that an employer make reasonable efforts to provide a sanitary room or other location, other than a bathroom or toilet stall, where an employee can express her breast milk in privacy and security. The location may include a childcare facility in close proximity to the employee’s work location. (2007 D.C. Stat., Chap. 17-5; SB 113)

**Florida**

Fla. Stat. § 383.015 (1993) allows a mother to breastfeed in any public or private location. (HB 231)

Fla. Stat. § 383.016 (1994) authorizes a facility lawfully providing maternity services or newborn infant care to use the designation “baby-friendly” on its promotional materials. The facility must be in compliance with at least eighty percent of the requirements developed by the Department of Health in accordance with UNICEF and World Health Organization baby-friendly hospital initiatives. (SB 1668)

Fla. Stat. § 800.02 et seq. and § 827.071 exclude breastfeeding from various sexual offenses, such as lewdness, indecent exposure and sexual conduct. (SB 1442)


**Georgia**

Ga. Code § 31-1-9 (1999) states that the breastfeeding of a baby is an important and basic act of nurture which should be encouraged in the interests of maternal and child health and allows a mother to breastfeed her baby in any location where the mother and baby are otherwise authorized to be. (1999 SB 29, Act 304; 2002 SB 321)

Ga. Code § 34-1-16 (1996) requires employers to provide daily unpaid break time for a mother to express breast milk for her infant child. Employers are also required to make a reasonable effort to provide a private location, other than a toilet stall, in close proximity to the workplace for this activity. The employer is not required to provide break time if to do so would unduly disrupt the workplace operations.

**Hawaii**

Hawaii Rev. Stat. § 367-3 (1999) requires the Hawaii Civil Rights Commission to collect, assemble and publish data concerning instances of discrimination involving breastfeeding or expressing breast milk in the workplace. The law prohibits employers to forbid an employee from expressing breast milk during any meal period or other break period. (HB 266)

Hawaii Rev. Stat. § 378-2 provides that it is unlawful discriminatory practice for any employer or labor organization to refuse to hire...
or employ, bar or discharge from employment, withhold pay from, demote or penalize a lactating employee because an employee breastfeeds or expresses milk at the workplace. (2000 Hawaii Sess. Laws, Act 227; HB 2774)

Hawaii Rev. Stat. § 489.21 and § 489-22 provide that it is a discriminatory practice to deny, or attempt to deny, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodation of a place of public accommodations to a woman because she is breastfeeding a child. The law allows a private cause of action for any person who is injured by a discriminatory practice under this act.

2010 House Concurrent Resolution 58 urges the Department of Human Services and the Department of Health to develop a program to encourage breastfeeding among mothers who receive assistance from Medicaid.

2013 Hawaii Sess. Laws. Act. 249 requires specified employers to provide reasonable break time for an employee to express milk for a nursing child in a location, other than a bathroom, that is sanitary, shielded from view and free from intrusion. The law also requires employers to post notice of the application of this law in a conspicuous place accessible to employees. (SB 632)

Idaho

Idaho Code § 2-212 (2002) provides that a person who is not disqualified for jury service under § 2-209 may have jury service postponed by the court or the jury commissioner only upon a showing of undue hardship, extreme inconvenience, or public necessity, or upon a showing that the juror is a mother breastfeeding her child. (2002 HB 497)

Illinois

Ill. Rev. Stat. ch. 20 § 310/442 (1997) allows the Department of Public Health to conduct an information campaign for the general public to promote breastfeeding of infants by their mothers. The law allows the department to include the information in a brochure for free distribution to the general public. (Ill. Laws, P.A. 90-244)

Ill. Rev. Stat. ch. 740 § 137 (2004) creates the Right to Breastfeed Act. The law provides that a mother may breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be; a mother who breastfeeds in a place of worship shall follow the appropriate norms within that place of worship. (SB 321)

Ill. Rev. Stat. ch. 830 § 260 (2001) creates the Nursing Mothers in the Workplace Act. Requires that employers provide reasonable unpaid break time each day to employees who need to express breast milk. The law also requires employers to make reasonable efforts to provide a room or other location, other than a toilet stall, where an employee can express her milk in privacy. (SB 542)

2011 Ill. Senate Resolution 170 recognizes the unique health, economic, and societal benefits that breastfeeding provides to babies, mothers, families and the community and resolves the state of Illinois to work to ensure that barriers to initiation and continuation of breastfeeding are removed and that a women's right to breastfeed is upheld.

2012 Ill. Laws, P.A. 97-713 establishes the hospital infant feeding act and requires that every hospital that provides birthing services to adopt an infant feeding policy that promotes breastfeeding. The hospital must routinely communicate this policy to staff and authorizes the posting of the policy on the hospital’s website. (HB 4968)

2012 Ill. House Resolution 778 urges departments that assist families and children to offer and promote educational materials about breastfeeding.

2015 Ill. Laws, P.A. 99-228 creates the Lactation Accommodation in Airports Act and requires that airport managers to provide a room or other location space at each airport terminal behind the airport security screening area for members of the public to express breast milk in private. (SB 344)

Indiana

Ind. Code § 16-35-6 allows a woman to breastfeed her child anywhere the law allows her to be. (HB 1510)

Ind. Code § 5-10-6-2 and § 22-2-14-2 (2008) provide that state and political subdivisions shall provide for reasonable paid breaks for an employee to express breast milk for her infant, make reasonable efforts to provide a room or other location, other than a toilet stall, where the employee can express breast milk in private and make reasonable efforts to provide for a refrigerator to keep breast milk that has been expressed. The law also provides that employers with more than 25 employees must provide a private location, other than a toilet stall, where an employee can express the employee's breast milk in private and if possible to provide a refrigerator for storing breast milk that has been expressed. (2008 Ind. Acts, P.L. 13, SB 219)

Iowa

Iowa Code § 135.30A (2002) a woman may breastfeed the woman’s own child in any public place where the woman’s presence is otherwise authorized.

Iowa Code § 607A.5 (1994) allows a woman to be excused from jury service if she submits written documentation verifying, to the court's satisfaction, that she is the mother of a breastfed child and is responsible for the daily care of the child.

Kansas

Kan. Stat. Ann. § 43-358 allows a mother breastfeeding her child to be excused from jury service and allows jury service to be postponed until the mother is no longer breastfeeding the child. (2006 HB 2284)

Kan. Stat. Ann. § 65-1,248 provides that it is the public policy of Kansas that a mother’s choice to breastfeed should be supported and encouraged to the greatest extent possible and that a mother may breastfeed in any place she has a right to be.

Kentucky

Ky. Rev. Stat. § 29A.100 (2007) directs judges at all levels of the court to excuse women who are breastfeeding or expressing breast milk from jury service until the child is no longer nursing. (SB 111)

Ky. Rev. Stat. § 211-755 (2006) permits a mother to breastfeed her baby or express breast milk in any public or private location. Requires that breastfeeding may not be considered an act of public indecency, indecent exposure, sexual conduct, lewd touching or obscenity. Prohibits a municipality from enacting an ordinance that prohibits or restricts breastfeeding in a public or private place. (2006 SB 106)

Louisiana


La. Rev. Stat. § 47:305.67 provides that the state sales and use tax shall not apply to the consumer purchase of breastfeeding items, including breast pumps and accessories, replacement parts, storage bags and accessories, and nursing bras. (2011 La. Acts, P.A. 331, SB 82)


2008 La. Senate Resolution 110 requests the Department of Health & Hospitals to study and/or consider a provision of providing non-emergency transportation for new mothers to allow them to visit the hospital and bring their breast milk for their babies.

2011 La. Acts, P.A. 269 requires certain state buildings to provide suitable areas for breastfeeding and lactation. (2011 HB 313)
2012 La. House Concurrent Resolution 52 requests the department of health and hospitals to study the feasibility of establishing a breast milk bank at a hospital in northeast Louisiana. The study shall also include information about any cost savings to the Medicaid program by creating a breast milk bank.

2013 La. Acts, P.A. 87 requires public school boards to adopt a policy to require each school to provide an appropriate, private room, other than a restroom, that may be used by an employee to express breast milk. The school must also provide a reasonable amount of break time to accommodate an employee needing to express breast milk for up to one year following the birth of her child. (HB 635)

Maine

Me. Rev. Stat. Ann. tit. 5, § 4834 (2001) amends the Maine Human Rights Act to declare that a mother has the right to breastfeed her baby in any location, whether public or private, as long as she is otherwise authorized to be in that location. (Me. Laws, Chap. 206; LD 1396)

Me. Rev. Stat. Ann. tit. 26, § 604 (2009) requires an employer to provide adequate unpaid or paid break time to express breast milk for up to 3 years following childbirth. The employer must make reasonable efforts to provide a clean place, other than a bathroom, where an employee may express breast milk in privacy. The employer may not discriminate against an employee who chooses to express breast milk in the workplace. (2009 Me. Laws, Chap. 84, HB 280)

Maryland

Md. Health-General Code Ann. § 20-801 (2003) permits a woman to breastfeed her infant in any public or private place and prohibits anyone from restricting or limiting this right. (SB 223)

Md. Tax-General Code Ann. § 11-211 exempts the sale of tangible personal property that is manufactured for the purpose of initiating, supporting or sustaining breastfeeding from the sales and use tax.

2014 Md. Laws, Chap. 331 and Chap. 332 relates to the licensing and operation of child care centers. The law requires child care centers to promote proper nutrition and developmentally appropriate practices by establishing training and policies promoting breastfeeding. (SB 716 and HB 1276)

Massachusetts

Mass. Gen. Laws Ann. ch. 111 § 221 (2008) allows a mother to breastfeed her child in any public place or establishment or place which is open to and accepts or solicits the patronage of the general public and where the mother and her child may otherwise lawfully be present. The law also specifies that the act of a mother breastfeeding her child shall not be considered lewd, indecent, immoral or unlawful conduct and provides for a civil action by a mother subjected to a violation of this law. (2008 Mass. Acts, Chap. 466, SB 2438)

Michigan


2012 Mich. Pub. Acts, Act 69 provides an exemption for nursing mothers from jury service for the period during which she is nursing her child. The mother is exempt upon making the request if she provides a letter from a physician, lactation consultant, or a certified nurse midwife verifying that she is a nursing mother. (HB 4691)


Minnesota

Minn. Stat. Ann. § 145.894 directs the state commissioner of health to develop and implement a public education program promoting the provisions of the Maternal and Child Nutrition Act. The education programs must include a campaign to promote breastfeeding.

Minn. Stat. § 145.905 provides that a mother may breastfeed in any location, public or private, where the mother and child are authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breastfeeding.

Minn. Stat. § 181.939 (1998, 2014) requires employers to provide daily, unpaid break time for a mother to express breast milk for her infant child. Employers are also required to make a reasonable effort to provide a private location, other than a bathroom or toilet stall, in close proximity to the workplace that is shielded from view, free from intrusion and has an electrical outlet. The law specifies that an employer may not retaliate against an employee for asserting rights or remedies under this act. (1998 SB 2751; 2014 HB 2536)


Mississippi

Miss. Code Ann. § 13-5-23 (2006) provides that breastfeeding mothers may be excused from serving as jurors. (SB 2419)

Miss. Code Ann. § 17-25-719 (2006) prohibits any ordinance restricting a woman's right to breastfeed and provides that a mother may breastfeed her child in any location she is otherwise authorized to be. (SB 2419)

Miss. Code Ann. § 43-20-31 (2006) requires licensed child care facilities to provide breastfeeding mothers with a sanitary place that is not a toilet stall to breastfeed their children or express milk, to provide a refrigerator to store expressed milk, to train staff in the safe and proper storage and handling of human milk, and to display breastfeeding promotion information to the clients of the facility.


Miss. Code Ann. § 97-29-31 and § 97-35-7et seq. (2006) specifies that a woman breastfeeding may not be considered an act of indecent exposure, disorderly conduct, or disturbance of the public space.

Missouri

Mo. Rev. Stat. § 191.915 (1999) requires hospitals and ambulatory surgical centers to provide new mothers with a breastfeeding consultation or information on breastfeeding, the benefits to the child and information on local breastfeeding support groups. The law requires physicians who provide obstetrical or gynecological consultation to inform patients about the postnatal benefits of breastfeeding. The law requires the Department of Health to provide and distribute written information on breastfeeding and the health benefits to the child. (SB 8)

Mo. Rev. Stat. § 191.918 (1999, 2014) allows a mother, with discretion, to breastfeed her child or express breast milk in any public or private location where the mother is otherwise authorized to be. The law also states that breastfeeding a child or expressing breast milk does not constitute sexual conduct or sexual contact as defined in § 566.010, and is not considered an act of public indecency, indecent exposure, lewd touching or obscenity. A municipality may not enact an ordinance prohibiting or restricting a mother from breastfeeding or expressing breast milk in a public or private location. (2014 HB 1320)

2014 Mo. House Bill 1320 allows a nursing mother, upon her request, and with a completed written statement from her physician to the court certifying she is a nursing mother, to be excused from service as a petit or grand juror.

Montana

Mont. Code Ann. § 39-2-215 et seq. specifies that employers must not discriminate against breastfeeding mothers and must...
encourage and accommodate breastfeeding. Requires employers to provide daily unpaid break time for a mother to express breast milk for her infant child and facilities for storage of the expressed milk. Employers are also required to make a reasonable effort to provide a private location, other than a toilet stall, in close proximity to the workplace for this activity. 

Mont. Code Ann. § 50-19-501 (1999) states that the breastfeeding of a child in any location, public or private, where the mother otherwise has a right to be is legal and cannot be considered a nuisance, indecent exposure, sexual conduct, or obscenity. (SB 398)

Mont. Code Ann. § 3-15-313 (2009) specifies that the court may excuse a person from jury service upon finding that it would entail undue hardship for the person; an excuse may be granted if the prospective juror is a breastfeeding mother. (2009 Mont. Laws, Chap. 167, HB 372)

Nebraska Neb. Rev. Stat. §25-160-1 (2005) states that a nursing mother is excused from jury duty until she is no longer breastfeeding and that the nursing mother must file a qualification form supported by a certificate from her physician requesting exemption. (LB 19)

2011 Neb. Laws, L.B. 197 specifies that a mother may breastfeed her child in any public or private location where the mother is otherwise authorized to be.

Nevada Nev. Rev. Stat. § 201.210, and § 201.220 state that the breastfeeding of a child is not considered a violation of indecent exposure laws. (1995 SB 317)

Nev. Rev. Stat. § 201.232 states that a mother may breastfeed her child in any location, private or public, where the mother is otherwise authorized to be. (1995 SB 317)


New Jersey N.J. Rev. Stat. § 26:4B-4/5 (1997) entitles a mother to breastfeed her baby in any location of a place of public accommodation, resort or amusement wherein the mother is otherwise permitted. Failure to comply with the law may result in a fine.

New Mexico N.M. Stat. Ann. § 28-20-1 (1999) permits a mother to breastfeed her child in any public or private location where she is otherwise authorized to be. (SB 545)

N.M. Stat. Ann. § 28-20-2 (2007) requires employers to provide a clean, private place, not a bathroom, for employees who are breastfeeding to pump. Also requires that the employee be given breaks to express milk, but does not require that she be paid for this time.

2009 N.M. House Memorial 58 requests the governor’s women's health advisory council to convene a task force to study the needs of breastfeeding student-mothers and make recommendations for breastfeeding accommodations in school environments.

New York N.Y. Civil Rights Law § 79-a (1994) permits a mother to breastfeed her child in any public or private location. (SB 3999)

N.Y. Correction Law § 611 allows a mother of a nursing child to be accompanied by her child if she is committed to a correctional facility at the time she is breastfeeding. This law also permits a child born to a committed mother to return with the mother to the correctional facility. The child may remain with the mother until one year of age if the woman is physically capable of caring for the child. (2009 N.Y. Laws, Chap. 411; SB 1290)

N.Y. Labor Law § 206-c (2007) states that employers must allow breastfeeding mothers reasonable, unpaid break times to express milk and make a reasonable attempt to provide a private location for her to do so. Prohibits discrimination against breastfeeding mothers.

N.Y. Penal Law § 245.01 et seq. excludes breastfeeding of infants from exposure offenses.

N.Y. Public Health Law § 2505 provides that the Maternal and Child Health commissioner has the power to adopt regulations and guidelines including, but not limited to donor standards, methods of collection, and standards for storage and distribution of human breast milk.

N.Y. Public Health Law § 2505-a creates the Breastfeeding Mothers Bill of Rights and requires it to be posted in a public place in each maternal health care facility. The commissioner must also make the Breastfeeding Mothers Bill of Rights available on the health department’s website so that health care facilities and providers may include such rights in a maternity information leaflet. (2009 N.Y. Laws, Chap. 292; AB 789)

North Carolina N.C. Gen. Stat. § 14-190.9 (1993) states that a woman is allowed to breastfeed in any public or private location, and that she is not in violation of indecent exposure laws. (HB 1143)

North Dakota N.D. Cent. Code § 12.1-20-12-11 exempts the act of a woman discreetly breastfeeding her child from indecent exposure laws. (2009 SB 2344)

N.D. Cent. Code § 23-12-16 allows a woman to breastfeed her child in any location, public or private, where the woman and child are otherwise authorized to be. (2009 SB 2344)

N.D. Cent. Code § 23-12-17 provides that an employer may use the designation “infant friendly” on its promotional materials if the employer adopts specified workplace breastfeeding policies, including scheduling breaks and permitting work patterns that provide time for expression of breast milk; providing a convenient, sanitary, safe and private location other than a restroom for expressing breast milk; and a refrigerator in the workplace for the temporary storage of breast milk. The law also directs to the state department of health to establish guidelines for employers concerning workplace breastfeeding and infant friendly designations. (2009 SB 2344)

Ohio Ohio Rev. Code Ann. § 3781.55 (2005) provides that a mother is entitled to breastfeed her baby in any location of a place of public accommodation wherein the mother is otherwise permitted. (SB 41)


Okla. Stat. tit. 40, § 435 (2006) requires that an employer provide reasonable unpaid break time each day to an employee who needs to breastfeed or express breast milk for her child. The law requires the Department of Health to issue periodic reports on breastfeeding rates, complaints received and benefits reported by both working breastfeeding mothers and employers. (HB 2358)

Okla. Stat. tit. 63, § 1-334 (2004) allow a mother to breastfeed her child in any location that she is authorized to be and exempts her from the crimes and punishments listed in the penal code of the state of Oklahoma. (HB 2102)

Oregon Or. Rev. Stat. § 10.050 (1999) excuses a woman from acting as a juror if the woman is breastfeeding a child. A request from the woman must be made in writing. (SB 1304)


Or. Rev. Stat. § 653.075, § 653.077 and § 653.256 (2007) allow women to have unpaid 30-minute breaks during each four-hour shift to breastfeed or pump. Allows certain exemptions for employers. (HB 2372)
| State                  | Code/Stat/Title/Section | Year(s)                                                                 
<table>
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<tr>
<td>South Carolina</td>
<td>Pa. Cons. Stat. tit. 35 § 636.1 et seq.</td>
<td>(2007) allows mothers to breastfeed in public without penalty. Breastfeeding may not be considered a nuisance, obscenity or indecent exposure under this law. (SB 54)</td>
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<td>Puerto Rico</td>
<td>L.P.R.A. § 5165</td>
<td>declares August as &quot;Breastfeeding Awareness Month&quot; and the first week of August as &quot;World Breastfeeding Week&quot; in Puerto Rico.</td>
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<td>L.P.R.A. § 1466 and 29 L.P.R.A. § 478a et seq.</td>
<td>provide that breastfeeding mothers have the opportunity to breastfeed their babies for half an hour within the full-time working day for a maximum duration of 12 months.</td>
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<td>L.P.R.A. § 431</td>
<td>directs the Regulations and Permits Administration to adopt regulations, which shall provide that in shopping malls, airports, ports and public service government centers there shall be accessible areas designed for breastfeeding and diaper changing that are not bathrooms.</td>
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<td>L.P.R.A. § 1735h</td>
<td>states that any woman breastfeeding her child under 24 months old and who presents a medical attestation to such fact is exempt from serving as a juror. (2003 SB 397)</td>
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<td>R.I. Gen. Laws § 23-13-1-1</td>
<td>(2003) specifies that an employer may provide reasonable unpaid break time to an employee who needs to breastfeed or express breast milk for her infant child. The law requires the department of health to issue periodic reports on breastfeeding rates, complaints received and benefits reported by both working breastfeeding mothers and employers, and provides definitions. (2003 HB 5507, SB 151; 2008 R.I. Pub. Laws, Chap. 475, HB 7906)</td>
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<tr>
<td>South Carolina</td>
<td>S.C. Code Ann. § 63-5-40</td>
<td>(2005) provides that a woman may breastfeed her child in any location where the mother is authorized to be and that the act of breastfeeding is not considered indecent exposure. (2008 HB 4747)</td>
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<td>Tennessee</td>
<td>Tenn. Code Ann. § 68-58-101 et seq.</td>
<td>(2006, 2011) permits a mother to breastfeed in any location, public or private, that the mother is authorized to be, and prohibits local governments from criminalizing or restricting breastfeeding. Specifies that the act of breastfeeding shall not be considered public indecency as defined by § 39-13-511; or nudity, obscene, or sexual conduct as defined in § 39-17-901. Tenn. Code Ann. § 68-58-101 et seq. and § 39-13-511(d) were amended in 2011 by Tenn. Pub. Acts, Chap. 91 (SB 83) to remove a provision permitting mothers to breastfeed only infants 12 months or younger in any location. (2006 Tenn. Law, Chap. 617; HB 3582)</td>
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<tr>
<td>Tennessee</td>
<td>Tenn. Code Ann. § 50-1-305</td>
<td>(1999) requires employers to provide daily unpaid break time for a mother to express breast milk for her infant child. Employers are also required to make a reasonable effort to provide a private location, other than a toilet stall, in close proximity to the workplace for this activity. (1999 Tenn. Law, Chap. 161; SB 1856)</td>
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<td>Tex. Health Code Ann. § 165.003 et seq.</td>
<td>provides for the use of a &quot;mother-friendly&quot; designation for businesses who have policies supporting worksite breastfeeding. (HB 340) The law provides for a worksite breastfeeding demonstration project and requires the Department of Health to develop recommendations supporting worksite breastfeeding. (HB 359)</td>
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<td>U.S. Virgin Islands</td>
<td>14 V.I.C. § 1022</td>
<td>specifies that a woman breastfeeding a child in any public or private location where the woman's presence is otherwise authorized does not under any circumstance constitute obscene or indecent conduct.</td>
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<td>Utah Code Ann. § 76-9-702 and § 76-10-1229.5</td>
<td>state that a breastfeeding woman is not in violation of any lewdness, obscene or indecent exposure laws. (HB 262)</td>
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<td>2012 Utah House Joint Resolution 4</td>
<td>encourages employers to recognize the benefits of breastfeeding and to provide unpaid break time and an appropriate space for employees who need to breastfeed or express their milk for their infant children.</td>
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<td>Vermont</td>
<td>Vt. Stat. Ann. tit. 9, § 4502</td>
<td>(2002) and 2002 Vt. Acts, Act 117</td>
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<td>Vt. Stat. Ann. tit. 21, § 305</td>
<td>requires employers to provide reasonable time throughout the day for nursing mothers to express breast milk for three years after the birth of a child. Also requires employers to make a reasonable accommodation to provide appropriate private space that is not a bathroom stall, and prohibits discrimination against an employee who exercises or attempts to exercise the rights provided under this act. (2008 Vt. Acts, Act 144, HB 641; 2013 Vt. Acts, Act 31, HB 99)</td>
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<td>2008 Vt. Acts, Act 203</td>
<td>directs the commissioner of health to convene a healthy worksite work group to identify priorities and develop recommendations to enhance collaborative learning and interactive sharing of best practices in worksite wellness and employee health management. The work group shall examine best practices in Vermont and other states, including strategies to spread the adoption of workplace policies and practices that support breastfeeding for mothers. The commissioner is required to make recommendations in a report on healthy living initiatives to the legislature by January 15, 2009. (HB 882)</td>
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<tr>
<td>Virginia</td>
<td>Va. Code § 2.2-1147.1</td>
<td>(2002, 2015) guarantees a woman the right to breastfeed her child on in any place where the mother is lawfully present, including any location where she would otherwise be allowed on property that is owned, leased or controlled by the state. The bill also stipulates that childbirth and related medical conditions specified in the Virginia Human Rights Act include activities of lactation, including breastfeeding and expression of milk by a mother for her child. (HB 1264, HB 1499)</td>
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<td>Va. Code Ann. § 8.01-341.1</td>
<td>(2005) provides that a mother who is breastfeeding a child may be exempted from jury duty upon her request. (2005 Chap. 195, HB 2708)</td>
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<td>State</td>
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<td>West Virginia</td>
<td>2014 W.Va. Acts, Chap. 73 specifies that a mother may breastfeed a child in any location open to the public. (HB 4335)</td>
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<td>Wisconsin</td>
<td>Wis. Stat. § 944.17(3), § 944.20(2) and § 948.10(2)(b) (1995) provide that breastfeeding mothers are not in violation of criminal statutes of indecent or obscene exposure. (AB 154) 2009 Wis. Laws, Act 148 provides that a mother may breastfeed her child in any public or private location where the mother and child are otherwise authorized to be. The law specifies that in such a location, no person may prohibit a mother from breast feeding her child, direct a mother to move to a different location to breastfeed her child, direct a mother to cover her child or breast while breastfeeding, or otherwise restrict a mother from breast feeding her child. (2009 AB 57)</td>
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<tr>
<td>Wyoming</td>
<td>Wyo. House Joint Resolution 5 (2003) encourages breastfeeding and recognizes the importance of breastfeeding to maternal and child health. The resolution also commends employers, both in the public and private sectors, who provide accommodations for breastfeeding mothers. Wyo. Stat. § 6-4-201 (2007) exempts breastfeeding mothers from public indecency laws and gives breastfeeding women the right to nurse anywhere that they otherwise have a right to be. (HB 105)</td>
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</tbody>
</table>

References:


10. Centers for Disease Control and Prevention. *Strategies to Prevent Obesity and Other Chronic Diseases:*


What does the law say?

Effective March 23, 2010, the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act (FLSA) to require employers to provide a nursing mother reasonable break time to express breast milk after the birth of her child. The amendment also requires that employers provide a place for an employee to express breast milk.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

(R)(1) An employer shall provide –
   a) a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express the milk; and
   b) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

(2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose.

(3) An employer that employs <50 employees shall not be subject to the requirements of this subsection, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.

(4) Nothing in this subsection shall preempt a State law that provides greater protections to employees than the protections provided for under this subsection.

What does the law mean in the workplace?

- **Reasonable break time** – This break includes time for the employee to travel to and from the space supplied for pumping, to set the pump up, to express milk (pumping), and to clean up and store pump parts. This component of the law may also need to include time to set up the space if needed, or time to add/remove protective equipment if used in employee’s work. Other time variations depend on the solution chosen and the employee.

- **For 1 year** – This time period begins with the child’s birth and extends for one year, with the introduction of complementary foods at around 6 months and the amount of breastmilk fed typically tapering gradually. The support provided is short (<12 months), but the appreciation and loyalty fostered in the employee will last much longer.

- **Each time such employee has need** – This component will be variable due to differing anatomies of mothers and different rates of milk production. Being able to express milk as needed is important to prevent engorgement and mastitis, which are at best painful and can progress to healthcare visits and medication to provide relief. This can be challenging for employers, but is perhaps most important to the employee’s health.

- **Place** – The space can be quite flexible in configuration and need not be dedicated to only pumping breast milk. The size must be able to accommodate a comfortable chair and a table for the pump as well as an electrical outlet for the pump.

- **Other than a bathroom** – Even the cleanest of restrooms are not “clean” environments safe for pumping breast milk. Bodily functions can place materials into the air that settle on surfaces and can contaminate expressed milk.

- **Shielded from view** – While setting up and pumping, the employee must be shielded from the view of others. This can be temporary or permanent shielding, but must be complete. There should not be cracks or gaps in the shielding and it should be sturdy enough to provide privacy without support by the employee.

- **Free from intrusion** – The space must be lockable. Adding a lock to an existing space allows the use of shared spaces and can minimize employer expense in compliance.

Other reasons to comply with the law: It’s just good business

Besides the legal requirement for employers to abide by this law, there is also a strong business case for providing nursing support to employees.

- Babies who are breastfed experience fewer common infant illnesses and require fewer health care visits than formula-fed babies. Supporting nursing mothers will mean less absenteeism and lower health care costs. 25% of infant illnesses in breastfed babies required maternal work absence compared to 75% for formula-fed babies.

- Companies with lactation support programs have been shown to have employee retention rates as high as 94% compared to the 59% national average. Keeping experienced employees saves businesses money.
Who enforces the law?

The U.S. Department of Labor’s Wage and Hour Division (WHD) is responsible for accountability and enforcement of the law. WHD has field investigators who carry out these duties.

How can my organization comply with the law?

There is a wide variety of solutions available that meet the needs of both employer and employee without significant expense. Each industry will find different challenges and solutions. The best way to approach provision of breaks for breast milk pumping is to communicate with employees about their needs; it is important to provide solutions that meet the needs of each employee. Consultation with a representative from a local or state breastfeeding coalition can provide guidance on communication in the absence of human resource staff.

Some common steps taken in creating and implementing a breastfeeding policy are:
- Assess the needs of employees and the business environment
- Gain buy-in from key decision-makers within the organization
- Identify partners and resources capable of providing assistance
- Develop a plan for providing nursing accommodations
- Promote and implement the planned program
- Evaluate the effectiveness of the program, adjusting as needed

Who can assist in complying with the law?

The state and local health departments as well as their selected partners can assist employers in complying with the law. The U.S. Department of Labor also has regional offices, but public health professionals are the best source of information on the needs of your employees needing to express breastmilk upon return to work. These professionals can assist with industry-specific solutions that can minimize cost to employers while providing the necessary support to nursing mothers. There are a number of available resources online:
- Business Case for Breastfeeding is HRSA’s guide to creating a breastfeeding-friendly worksite
- The Office on Women’s Health provides solutions to challenges unique to specific industries
- Directory of state breastfeeding coalitions

Employer Spotlight: “CIGNA Moms”, Cigna Corporation, Philadelphia, PA

Services offered to all employees at no charge:
- Ongoing advice and help from a professional lactation consultant
- Access to Nursing Mothers’ Rooms at CIGNA office sites
- Breast pump
- A milk storage system and carrying case and a personal pump kit to ensure proper hygiene when expressing milk
- Literature on breast engorgement, breastfeeding and working, milk storage and collection, and sore nipple management

Program Impact:
- 77% reduction in lost work time due to infant illness
- Lower pharmacy costs due to 62% fewer prescriptions
- Increased breastfeeding rates – 72.5% at 6 months compared to national average of 21.1% for employed mothers
- Recognized as a Workplace Model of Excellence by the National Healthy Mothers/ Healthy Babies Coalition
- A formal study conducted by the UCLA Centers for Healthy Children found that the program enabled mothers to efficiently express breast milk without impacting workplace productivity, and resulted in substantial cost savings to the company

The obligation to support breastfeeding employees is temporary, but loyalty of employees lasts much longer. Compliance can be low-cost and is a good investment for all employers.

For further assistance, please contact: (Insert contact information here)