

NEW LAW REQUIRES NEW HAMPSHIRE WORKPLACES TO ACCOMMODATE NURSING MOTHERS: 3 STEPS YOU SHOULD TAKE

Insights
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New Hampshire just implemented a new law that guarantees nursing mothers accommodations such as an unpaid 30-minute break to express breast milk every three hours. Effective July 1, this new state law (which follows the Federal PUMP Act of 2022) requires employers with six or more employees to establish policies that address both reasonable break periods and spaces for expressing milk. Read on for a three-step guide for employers operating in New Hampshire.

Background: Federal Law

The Federal Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act of 2022 requires employers to provide reasonable break times for their employees to express breast milk for the first year after childbirth. [You can read more about that federal law here.](#)

What does the New Hampshire Law Require?

In August 2023, New Hampshire's then-Governor Chris Sununu signed HB 358 into effect. As a result, starting July 1, New Hampshire now guarantees nursing mothers an unpaid 30-minute break for every three hours of work to pump.

Like its federal counterpart, this law will also require employers provide nursing employees with adequate areas at work for one year after a child's birth. Employees seeking this benefit must provide two weeks' notice of the accommodation request.

What's Not Included?

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- Employees are not required to make up any of the time used during their nursing break period. Employees can have the option to take their nursing break at the same time as their usual breaks or meal periods that are guaranteed by the employer. Employees and employers can also make other alternative arrangements.
- Employers do not need to provide a break period and sufficient space when it would impose an undue hardship on the employer's operation.

Some Definitions

- "Expression of milk" is defined as lactation by machine or by manual means, not by breastfeeding.
- "Space" is defined as a designated space that must be reasonable walking distance, cannot be a bathroom, must be clean, private, and have no intrusions.
- "Undue Hardship" is defined as actions that require expense or difficulty in relation to size of business, finances, and other factors.

How Can You Comply? A 3-Step Guide

1. Review your handbook and any standalone policies to ensure any related provisions are updated to comply with current law.
2. Train managers on the new law and new policies to ensure they are prepared to receive and handle these accommodation requests. Educate managers about potential bias and retaliation to ensure employees are not treated unlawfully after making such requests.
3. Establish or improve available mechanisms to ensure employees can submit accommodations requests and report any issues or grievances.

Conclusion

We will continue to monitor legislative developments in New Hampshire and in the accommodations space, so make sure you are subscribed to [Fisher Phillips' Insights](#) to gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Boston \(MA\) or Portland \(ME\) office](#).

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