



# NYC Council Mandates Workplace Lactation Rooms

Insights

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New York City employers will almost certainly need to provide lactation rooms to breastfeeding employees in the near future thanks to a slate of new laws passed by city lawmakers. On October 17, 2018, the City Council passed a package of bills—dubbed the Mother’s Day bills—aimed at helping mothers and children. Included among the legislation is a requirement that employers with 15 or more employees provide a lactation room to any employee needing to express breast milk, and provide employees with written information on the room’s availability. The newly passed legislation awaits the mayor’s signature, and he is expected to sign the suite of bills. If signed, the lactation room laws will take effect 120 days from the date of signature. What do New York City employers need to know about these new requirements?

## Lactation Room Requirements

Under the newly passed bill, employers with 15 or more employees in New York City will need to provide employees needing to express breast milk with a lactation room in reasonable proximity to the employee’s work area, as well as a refrigerator suitable for breast milk storage. The lactation room must be a private and sanitary place, other than a restroom, that includes at a minimum an electrical outlet, a chair, a surface on which to place a breast pump and other personal items, and nearby access to running water.

If the room designated by the employer to serve as a lactation room is also used for another purpose, the sole function of the room shall be as a lactation room while an employee uses it to express breast milk. If providing such a room poses an undue hardship on the employer, the employer must engage in a cooperative dialogue with the employee needing to express breast milk about other options available.

Additionally, employers will need to provide their employees with a written policy regarding the lactation room. Specifically, employers will be required to develop and implement a written policy regarding the provision of a lactation room, which will need to be distributed to all employees at time of hire. The policy will need to include a statement that employees have a right to request a lactation room and specify the means to submit a request for a lactation room. The employer will be required to respond to the request within five business days. Additionally, the policy must provide a procedure to follow when two or more individuals need to use the lactation room at the same time.

The city legislation dovetails with existing state law, which requires employers to provide nursing mothers with break time to pump breast milk at work. Though the state law requires employers to

more time to pump breast milk at work. Though the state law requires employers to provide employees with a private room, other than a restroom, to use to express breast milk, it does not require employers to provide employees with a dedicated lactation room.

### **Employers Should Prepare Now**

Although the law will not take effect until 120 days after the mayor signs it into law, employers should take stock of their worksite now to figure out where to set up a lactation room. Additionally, employers will need to be prepared to develop a lactation room policy to distribute to employees.

For more information about compliance with the new law, contact any attorney in our [New York City](#) office at 212.899.9960 or your Fisher Phillips attorney.

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*This Legal Alert provides an overview of a specific city law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.*

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**Melissa Camire**  
Partner  
212.899.9965  
[Email](#)

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