

# STATE OF NEW YORK

8258

## IN SENATE

April 29, 2020

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to expanding the rights of nursing mothers to express breast milk

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 206-c of the labor law, as added by chapter 574 of  
2 the laws of 2007, is amended to read as follows:

3 § 206-c. Right of nursing mothers to express breast milk. 1. An  
4 employer shall provide reasonable unpaid break time or permit an employ-  
5 ee to use paid break time or meal time each day to allow an employee to  
6 express breast milk for her nursing child each time such employee has  
7 reasonable need to express breast milk for up to three years following  
8 child birth. [~~The employer shall make reasonable efforts to provide a~~  
9 ~~room or other location, in close proximity to the work area, where an~~  
10 ~~employee can express milk in privacy.~~] No employer shall discriminate in  
11 any way against an employee who chooses to express breast milk in the  
12 workplace.

13 2. Employers shall designate a room or location that is intended to be  
14 used for the primary purpose of allowing employees to express breast  
15 milk. Such room or location shall not be a bathroom and shall be hygien-  
16 ic; in close proximity to the work area; shielded from view; free from  
17 intrusion; and shall contain a chair, a working surface, have nearby  
18 access to running water and, if the building is otherwise supplied with  
19 electricity, an electrical outlet.

20 3. Where compliance with the requirements of subdivision two of this  
21 section is impracticable because the employer does not have a room or  
22 location that could be repurposed in accordance with subdivision two of  
23 this section and the employer could not come into compliance at a  
24 reasonable cost, such employer shall make reasonable efforts to provide  
25 a room or other location, in close proximity to the work area, where an  
26 employee can express breast milk in privacy. Nothing in this subdivi-  
27 sion shall excuse an employer from the requirements of subdivision one  
28 of this section.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 § 2. This act shall take effect on the thirtieth day after it shall  
2 have become a law.