

# STATE OF NEW YORK

8258--A

## IN SENATE

April 29, 2020

Introduced by Sens. MARTINEZ, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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  
6 to 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 work place.

13 2. (a) Upon request of an employee who chooses to express breast milk  
14 in the workplace, an employer shall designate a room or other location  
15 which shall be made available for use by such employee to express breast  
16 milk. If the sole purpose or function of such room or other location is  
17 not dedicated for use by employees to express breast milk, such room or  
18 other location shall be made available to such an employee when needed  
19 and shall not be used for any other purpose or function while in use by  
20 such employee. Employers shall provide notice to all employees as soon  
21 as practicable when such room or other location has been designated for  
22 use by employees to express breast milk.

23 (b) Such room or other location shall be a place, other than a bath-  
24 room that is: (i) in close proximity to the work area; (ii) shielded  
25 from view; and (iii) free from intrusion from other persons in the work-  
26 place or the public. Such room or other location shall provide, at mini-

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

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1 mum, a chair, a working surface, nearby access to running water and, if  
2 the workplace is supplied with electricity, an electrical outlet.

3 3. Where compliance with the requirements of subdivision two of this  
4 section is impracticable because it would impose an undue hardship on  
5 the employer by causing significant difficulty or expense when consid-  
6 ered in relation to the size, financial resources, nature, or structure  
7 of the employer's business, such employer shall make reasonable efforts  
8 to provide a room or other location, in close proximity to the work  
9 area, where an employee can express breast milk in privacy. Provided,  
10 however, nothing in this subdivision shall otherwise exempt an employer  
11 from the requirements of subdivision one of this section.

12 4. Employers shall develop and implement a written policy regarding  
13 the rights of nursing mothers to express breast milk in the workplace  
14 pursuant to the provisions of this section. Such policy shall be  
15 distributed to each employee upon hire and annually thereafter. Such  
16 policy shall:

17 (a) Inform employees of their rights pursuant to this section;

18 (b) Specify the means by which a request may be submitted to the  
19 employer for a room or other location for use by employees to express  
20 breast milk; and

21 (c) Require the employer to respond to such request within a reason-  
22 able timeframe, but not to exceed five business days.

23 § 2. This act shall take effect on the one hundred eightieth day after  
24 it shall have become a law.