

# STATE OF NEW YORK

3998--A

2025-2026 Regular Sessions

## IN ASSEMBLY

January 30, 2025

Introduced by M. of A. FORREST, LEVENBERG, OTIS -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to employee access to lactation rooms in the workplace

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

1 Section 1. Subdivisions 2 and 3 of section 206-c of the labor law, as  
2 added by chapter 672 of the laws of 2022, are amended to read as  
3 follows:

4 2. (a) Upon request of an employee who chooses to express breast milk  
5 in the workplace, an employer shall designate a room or other location  
6 which shall be made available for use by such employee to express breast  
7 milk. Such room or other location shall be a place that is: (i) hygien-  
8 ic; (ii) in close proximity to the work area; [~~(ii)~~] (iii) well lit;  
9 [~~(iii)~~] (iv) shielded from view; and [~~(iv)~~] (v) free from intrusion from  
10 other persons in the workplace or the public. Such room or other  
11 location shall provide, at minimum, a chair, a working surface, a refri-  
12 gerator that shall be used only for purposes related to lactation, near-  
13 by access to clean running water and, if the workplace is supplied with  
14 electricity, an electrical outlet. The room or location provided by the  
15 employer for this purpose shall not be a restroom or toilet stall and  
16 shall be located outside the confines of a public restroom.

17 (b) If the sole purpose or function of such room or other location is  
18 not dedicated for use by employees to express breast milk, such room or  
19 other location shall be made available to such an employee when needed  
20 and shall not be used for any other purpose or function while in use by  
21 such employee. Employers shall provide notice to all employees as soon

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

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1 as practicable when such room or other location has been designated for  
2 use by employees to express breast milk.

3 (c) Where compliance with the requirements of paragraphs (a) or (b) of  
4 this subdivision is impracticable because it would impose an undue hard-  
5 ship on the employer by causing significant difficulty or expense when  
6 considered in relation to the size, financial resources, nature, or  
7 structure of the employer's business, such employer shall make reason-  
8 able efforts to provide a room or other location, other than a restroom  
9 or toilet stall, that is in close proximity to the work area where an  
10 employee can express breast milk in privacy. Provided, however, nothing  
11 in this subdivision shall otherwise exempt an employer from the require-  
12 ments of subdivision one of this section.

13 [~~(d) If the workplace has access to refrigeration, the employer shall~~  
14 ~~extend such access to refrigeration for the purposes of storing the~~  
15 ~~expressed milk.~~]

16 3. The commissioner shall develop and implement a written policy  
17 regarding the rights of nursing employees to express breast milk in the  
18 workplace pursuant to the provisions of this section. Employers shall  
19 provide such written policy to each employee upon hire and annually  
20 thereafter, and to employees upon returning to work following the birth  
21 of a child. Employers shall post such policy in a clear and conspicuous  
22 location and in the employee handbook, to the extent that an employer  
23 provides such handbook to its employees, and in a location accessible on  
24 either the employer's website or on the internet accessible by employ-  
25 ees. Such policy shall:

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

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

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

32 § 2. This act shall take effect immediately.