

Lactation Laws by State and Municipality (updated July 25, 2021)

State (Code Provision)	Covered Employers	Lactation Break Requirements	Facility Requirements	Additional Requirements/Information
Arkansas	All	Employers must provide reasonable break time (paid or unpaid at the employer's discretion) to an employee to express breast milk.	Employers must provide a place (other than a toilet stall) which includes a pumping area, that is private, secure and sanitary.	Arkansas Breastfeeding Information and Support
California	All	Employers must provide a reasonable amount of break time to accommodate an employee's desire to express breast milk for the employee's infant child each time the employee needs to do so. When possible, the break time should run concurrently with any breaks already provided to the employee. The employer is not required to pay for such break time if it is separate from any other break time.	Employers must provide the use of a room or other location (other than a bathroom) in close proximity to the employee's work area, shielded from view, and free from intrusion. This may include the place where the employee normally works if it meets the requirements. The lactation room must be safe, clean, and free from hazardous materials, contain a surface to place a breast pump and personal items, contain a place to sit and have access to electricity or alternative devices, such as extension cords or charging stations needed to operate a breast pump. An employer must provide access to a sink with running water and a refrigerator suitable for storing milk, in close proximity to the employee's workspace. An employer with less than 50 employees may be exempt from these requirements if it meets certain conditions. Multiemployer or multitenant worksites and agricultural employers are subject to different requirements.	California Lactation Accommodations (DLSE) An employer must implement a lactation accommodation policy that includes the following: (i) a statement about an employee's right to request a lactation accommodation; (ii) the process to make the lactation request; (iii) the employer's obligation to respond to the request; and (iv) a statement about an employee's right to file a complaint with the Labor Commissioner for any legal violations. The policy must be included in an employee handbook or set of policies available to employees. The policy must be distributed to new employees upon hiring and when an employee makes asks about or requests parental leave.
San Francisco, CA	Those with an employee working in San Francisco	Employers must provide a reasonable amount of break time to accommodate an employee's desire to express breast milk for the employee's child. The break should run concurrently with any break already provided. Any break time that does not concurrently run with a rest break provided by California law need not be paid.	Employers must provide a space, room, or a location (other than a bathroom) that is private and free from intrusion to express breast milk and in close proximity to the employee's work area. The area must be safe and clean and free of hazardous materials; have a surface such as a table or counter suitable for holding a breast pump or other personal items; provide a chair or a place to sit; and have access to electricity. Employers must also provide access to a refrigerator for storing breastmilk and access to a sink with running water both of which should be near the employee's work area. The lactation area may be available for non-lactation uses; however, employee lactation breaks must take precedence over other uses, and employers must notify other employees that the room is primarily for nursing mothers.	The San Francisco Ordinance requires an employer to develop and implement a written lactation accommodation policy. Additionally, employers must maintain a record of employee lactation accommodation requests for a three-year period. See these Rules Implementing the Lactation in the Workplace Ordinance for details.
Colorado	All	Employers must provide reasonable unpaid break time, or permit an employee to use paid break time, meal time or both, each day to allow an employee to express breast milk for the employee's nursing child for up to two years after the child's birth.	An employer must make reasonable efforts to provide a room (other than a toilet stall) in close proximity to the work area where an employee may express breast milk in private.	CDLE Toolkit
Connecticut	All	Employers must permit an employee to express breast milk or breastfeed on site at the workplace during meal or break periods.	An employer must make reasonable efforts to provide a room or other location (other than a toilet stall) in close proximity to the work area where the employee can express breast milk in private. Effective Oct. 1, 2021 , a location provided to an employee for the purpose of expressing breast milk must: (i) be free from intrusion and shielded from the public while the employee expresses breast milk; (ii) include or be situated near a refrigerator or employee-provided portable cold storage device for storage of breast milk; and (iii) include access to an electrical outlet.	Mandatory poster: Connecticut Pregnancy Discrimination Notice Poster

Note: This chart is an overview and guide. It is not intended as a substitute for review of the applicable law in the entirety. Employers should consider whether other federal or state laws apply and afford protection to employees in a particular situation.

State (Code Provision)	Covered Employers	Lactation Break Requirements	Facility Requirements	Additional Requirements/Information
Delaware	Employers with four or more employees	Employers must provide break time for expressing breast milk.	An employer must provide appropriate facilities for expressing breast milk.	Discrimination Poster - Delaware
District of Columbia	All	Employers shall provide reasonable daily unpaid break periods, as required by the employee, for the employee to express breast milk for her child. If any break period, paid or unpaid, is already provided to the employee, the break period shall run concurrently with such breaks. Employers should provide a flexible schedule, job-sharing, or telecommuting arrangements, if none are already provided absent undue hardship.	An employer must make reasonable efforts to provide a sanitary room or other location (other than a bathroom or toilet stall) in close proximity to the work area where an employee can express breast milk in privacy and security.	Required poster: The Right to Breastfeed - D.C. Office of Human Rights An employer must implement a lactation policy and post it with the required poster above.
Georgia	All	Employers must provide reasonable paid break time to an employee who wishes to express breast milk at work during work hours.	An employer must provide a private location (other than a restroom) where an employee can express breast milk in privacy at the work site.	N/A
Hawaii	All	Employers must provide reasonable break time for an employee to express milk for the employee's child for one year after the child's birth each time the employee has a need to express breast milk.	An employer must provide a location (other than a restroom) that is shielded from view and free from intrusion from co-workers and the public.	Required poster: Hawaii Notice to Employees - Breastfeeding in the Workplace [Note: post in the workplace <u>and</u> on intranet/distribute to employees]
Illinois	All	The Illinois Human Rights Act applies to employers with one or more employees. The Illinois Nursing Mothers in the Workplace Act applies to employers with five or more employees. Employers must provide reasonable unpaid break time each day to an employee who needs to express breast milk for the employee's infant child. The break time must, if possible, run concurrently with any break time already provided to the employee.	An employer must make reasonable efforts to provide a room or other location (other than a restroom) in close proximity to the work area where an employee can express breast milk in privacy.	Required poster: Illinois - Pregnancy and Your Rights in the Workplace
Indiana	Employers with 25 or more employees	N/A	To the extent reasonably possible, an employer must (i) provide a private location (other than a toilet stall) where an employee can express breast milk in privacy during any period away from the employee's assigned duties; and (ii) provide a refrigerator or other cold storage space for keeping expressed milk or allow the employee to provide a personal portable cold storage device for keeping breast milk until the end of the employee's workday.	N/A
Kentucky	Employers with 15 or more employees	Employers must provide more frequent or longer breaks.	Employers must provide a private space (other than a bathroom) for expressing milk.	Required poster: Kentucky - EEO & Pregnant Workers Act
Louisiana	Employers with 15 or more employees	Employers must provide scheduled and more frequent or longer paid break periods to an employee to express breast milk for up to one year after the birth of the employee's child.	Employers must provide a private place (other than a bathroom stall) where an employee can express breast milk.	On or before Dec. 1, 2021, employers post and distribute a written notice of rights to existing employees and new employees.

Note: This chart is an overview and guide. It is not intended as a substitute for review of the applicable law in the entirety. Employers should consider whether other federal or state laws apply and afford protection to employees in a particular situation.

State (Code Provision)	Covered Employers	Lactation Break Requirements	Facility Requirements	Additional Requirements/Information
Maine	All	Employers must provide adequate unpaid break time or permit an employee to use paid break or meal time each day to express breast milk for the employee's nursing child for up to three years following childbirth.	Employers must make reasonable efforts to provide a clean room or other location (other than a bathroom) where an employee may express breast milk in privacy.	Required poster: Maine Workplaces Supporting Nursing Mothers
Baltimore, MD (Subtitle 16)	Employers with two or more full-time equivalent employees in Baltimore	Employers must provide a reasonable amount of break time to an employee to express breast milk. If possible, the break must run concurrently with any paid rest or break time already required by law or provided to the employee. Otherwise, the break may be unpaid.	Employers must provide a lactation location (other than a bathroom or closet) in close proximity to the employee's work area and shielded from view and intrusion by co-workers and others. The location must also be safe, clean and free of toxic or hazardous materials; have a door that can be locked from the inside; and contain a surface for a breast pump and personal items, a place to sit, at least one electrical outlet and a sink with running hot and cold water (unless otherwise available in close proximity to the employee's work area), and a refrigerator to store breast milk.	Required: Written Policy. See Sections 16.20 & 16.21 for written policy and recordkeeping requirements.
Massachusetts	Employers with six or more employees	Employers must permit an employee to take a break to breastfeed or express milk as often as needed. Breaks may be paid or unpaid. An employer that provides paid breaks must allow an employee to use them for breastfeeding or expressing milk. When possible, rather than taking an unpaid break, an employee may continue working while expressing breast milk or breastfeeding.	Employers must provide a private room (other than a bathroom) or office free from intrusion which allows employees to comfortably express milk or breastfeed. The space should include sufficient electrical outlets for breast pumps, tables or surfaces to hold necessary items, and seating. An employee may breastfeed or express breast milk in her workspace if it is equivalent to a private, non-bathroom space.	Required: Written notice of rights under the MA Pregnancy Fairness Act. See MCAD Pregnant Workers Fairness Act FAQs
Minnesota	All	Employers must provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant child. When possible, the break time must run concurrently with any break time the employer already provides.	Employers must make reasonable efforts to provide a private room (other than a bathroom or toilet stall) shielded from view and free from intrusion by co-workers and the public which includes access to an electrical outlet.	N/A
Mississippi	All	Employers may not prohibit an employee from expressing breast milk during any meal period or other break period provided by the employer.	Licensed child care facilities are required to provide breastfeeding mothers, including employees, a sanitary place (other than a toilet stall) to breastfeed or express milk. The area must have an electrical outlet, comfortable chair and nearby access to running water as well as a refrigerator for storage. See Miss. Code Ann. Section 43-20-31 .	A licensed child care facility must display breastfeeding promotion information for clients.
Nebraska	Employers with 15 or more employees	Employers must provide break time for expressing breast milk.	Employers must provide appropriate facilities for expressing breast milk.	Nebraska EEO Poster See also Neb. Rev. Stat. 48-1107.02
Nevada	All	Employers must provide an employee reasonable break time to express breast milk as needed for the first year following birth. Break time need not be paid, unless break time is otherwise compensated according to a collective bargaining agreement.	Employers must provide an employee with a place (other than a bathroom) to express breast milk that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others.	Under the Nevada Fair Employment Practices Act, an employer with 15 or more employees must provide a reasonable accommodation, which may include revising the frequency or duration of breaks and providing space (other than a bathroom) to be used for expressing breast milk, unless doing so would create an undue hardship.
New Jersey	All	Employers must provide reasonable break time each day to a breastfeeding employee.	Employers must provide a room or other private location (other than a toilet stall) which is in close proximity to the employee's work area for the employee to express breast milk.	Required poster: New Jersey Law Prohibits Discrimination in Employment

Note: This chart is an overview and guide. It is not intended as a substitute for review of the applicable law in the entirety. Employers should consider whether other federal or state laws apply and afford protection to employees in a particular situation.

State (Code Provision)	Covered Employers	Lactation Break Requirements	Facility Requirements	Additional Requirements/Information
New Mexico	All	Employers must provide flexible break times so an employee may pump breast milk. The break need not be paid if it is in addition to the employee's regular meal and/or rest period. Lactation break time is excluded when determining whether an employee worked overtime hours.	Employers must provide a space (other than a bathroom) to pump breast milk that is clean, private and near the employee's workspace.	N/A
New York	All	Employers must provide reasonable unpaid break time or allow use of paid break or meal time each day to express breast milk for up to three years following childbirth. Employees can elect to express breast milk during their regularly scheduled meal and rest breaks. If the break time cannot run concurrently with the existing meal and rest breaks, the break time is unpaid for nonexempt employees. An employee should be permitted at least twenty minutes every three hours to express breast milk.	Employers must make reasonable efforts to provide a room or other location, in close proximity to the work area, for an employee to express breast milk in privacy.	New York Department of Labor Rights as a Nursing Mother at Work . Note that under the New York State Human Rights Law, an employer may be required to provide a reasonable accommodation for an applicant's or employee's pregnancy-related condition, including lactation, unless doing so would impose an undue hardship.
New York City, NY	Employers with four or more employees	Employers must provide reasonable break time for an employee to express breast milk.	Employers must provide, in reasonable proximity to the employee's work area, a lactation room (other than a restroom) which is defined as a sanitary space shielded from view and free from intrusion which includes an electrical outlet, a chair, a surface for a breast pump and personal items as well as nearby access to running water. Employers must also provide a refrigerator suitable for breast milk storage.	Required: A written policy is required. See here for model policies.
North Dakota	All	N/A	N/A	Although breastfeeding is not specifically protected under North Dakota law, employers may use the designation "infant friendly" on promotional materials if certain requirements are met. See N.D.C.C. 23-12-17 for details.
Oklahoma	All	Employers may provide reasonable unpaid break time each day to an employee to breastfeed or express breast milk. To the extent possible, the break time should run concurrently with any break time, paid or unpaid, already provided to the employee. Break time can be unpaid if it is separate from any break time already provided to the employee.	Employers may make a reasonable effort to provide a private, secure and sanitary room or other location (other than a toilet stall) in close proximity to the work area where an employee can express breast milk or breastfeed.	N/A
Oregon	All	Employers must provide reasonable unpaid rest periods to accommodate an employee who needs to express milk for the employee's child each time there is such a need until the child is eighteen months of age.	Employers must make a reasonable effort to provide a location (other than a public restroom or toilet stall) for the employee to privately express breast milk in close proximity to the employee's work area.	Note that under the Oregon Fair Employment Practices Law, employers with six or more employees must provide reasonable accommodations for pregnancy and related medical condition, including lactation, such as more frequent or longer break periods, unless doing so would create an undue hardship. For more information, see OAR 839-020-0051 Rest Periods for Expression of Milk ; Oregon: Pregnancy accommodations at work
Philadelphia, PA	All	Employers must provide unpaid break time or allow use of paid break or meal time, or both, to express breast milk.	Employers must provide a private, sanitary space (other than a bathroom) with appropriate seating, access to an electrical outlet and nearby access to running water where an employee can express breast milk.	N/A

Note: This chart is an overview and guide. It is not intended as a substitute for review of the applicable law in the entirety. Employers should consider whether other federal or state laws apply and afford protection to employees in a particular situation.

State (Code Provision)	Covered Employers	Lactation Break Requirements	Facility Requirements	Additional Requirements/Information
Rhode Island	All	Employers may provide reasonable unpaid break time each day to an employee who needs to breastfeed or express breast milk for her infant child to maintain milk supply and comfort. If possible, the break time must run concurrently with any break time already provided to the employee.	Employers must make a reasonable effort to provide a private, secure and sanitary room or location (other than a toilet stall) in close proximity to the work area where an employee can express breast milk or breastfeed her child.	Under the Rhode Island Fair Employment Practices Act employers with four or more employees must provide reasonable accommodations based on pregnancy or related conditions, including break time and private non-bathroom space for expressing breast milk, unless doing so would create an undue hardship.
South Carolina	All	Employers must provide reasonable unpaid break time, or permit the use of paid break or meal time, each day to express breast milk. If possible, the break time must run concurrently with any break time already provided to the employee.	Employers must make reasonable efforts to provide a room or other location (other than a toilet stall) in close proximity to the work area where the employee can express breast milk in privacy.	Under the South Carolina Human Affairs Law, employers with 15 or more employees must provide reasonable accommodations for pregnancy, childbirth and related medical conditions (including lactation), including more frequent or longer break periods and private, non-bathroom space for expressing breast milk, unless doing so would create an undue hardship. See here for more information including FAQs .
Tennessee	All	Employers must provide reasonable unpaid break time each day to an employee who needs to express breast milk for the employee's infant child. If possible, the break time must run concurrently with any break time already provided to the employee.	Employers must make reasonable efforts to provide a room or other location (other than a toilet stall) in close proximity to the work area where the employee can express breast milk in privacy.	Effective Oct. 1, 2020, under the Tennessee Pregnant Workers Fairness Act, employers with 15 or more employees must provide reasonable accommodations for pregnancy, childbirth or related medical conditions, including break time and a private non-bathroom space for expressing breast milk, absent an undue hardship.
Texas	All	N/A	N/A	Businesses may use the designation "mother-friendly" in promotional materials if a policy supporting the practice of worksite breastfeeding is developed that meets certain requirements. The business must submit its breastfeeding policy to the Texas Department of State Health Services. See this link for further information.
Utah	Employers with 15 or more employees	Employers must provide a reasonable accommodation related to breastfeeding if an employee requests one.	N/A	Required poster: Pregnancy and Related Conditions under the Utah ADA
Vermont	All	Employers must provide reasonable break time throughout the day for an employee to express breast milk for her child for up to three years following the child's birth. The break time may be paid or unpaid at the employer's discretion, unless modified in a collective bargaining agreement.	Employers must provide appropriate private space (other than a bathroom stall) to express breast milk.	N/A
Virginia	Employers with five or more employees	Employers must provide breaks to express breast milk.	Employers must provide access to a private location (other than a bathroom) for the expression of breast milk.	Under the Virginia Human Rights Act, effective Oct. 29, 2020, an employer must post notice in a conspicuous location and provide information in an employee handbook regarding the prohibition against unlawful discrimination based on pregnancy, childbirth and related conditions (including lactation) and the right to reasonable accommodations. See Sample Policy .

Note: This chart is an overview and guide. It is not intended as a substitute for review of the applicable law in the entirety. Employers should consider whether other federal or state laws apply and afford protection to employees in a particular situation.

State (Code Provision)	Covered Employers	Lactation Break Requirements	Facility Requirements	Additional Requirements/Information
<u>Washington</u>	Employers with 15 or more employees.	Employers must provide reasonable break time each time an employee needs to express breast milk for two years following the child's birth.	Employers must provide a private location (other than a bathroom), if such a location exists at the place of business or worksite, which may be used to express breast milk. If there is no space for an employee to express milk, the employer must work with the employee to identify a convenient location and work schedule to accommodate the employee's needs.	Employers may use the designation "infant-friendly" on its promotional materials if it has an approved workplace breastfeeding policy and meets specified requirements. See RCW 43.70.640 .
<u>Wyoming</u>	All	N/A	N/A	Employers are to encourage breastfeeding and recognize the importance of breastfeeding to maternal and child health.

Note: This chart is an overview and guide. It is not intended as a substitute for review of the applicable law in the entirety. Employers should consider whether other federal or state laws apply and afford protection to employees in a particular situation.