

New York State Department of Labor Publishes Model Lactation Accommodation Policy

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On December 9, 2022, Governor Kathy Hochul signed a [law](#) expanding protections for breastfeeding employees in New York. The law, which applies to all public and private employers in the state, regardless of size, took effect on June 7, 2023.

Quick Hits

New York State requires all employers to provide lactation rooms or spaces meeting certain specifications for breastfeeding employees to express breast milk.

The law requires employers to adopt a written policy regarding workplace lactation rights developed by the New York State Department of Labor (NYSDOL).

The New York State Department of Labor's model lactation accommodation policy must be given to employees at hire and annually thereafter.

The law took effect on June 7, 2023.

The NYSDOL has released the long-awaited [model policy](#), which notes that it must be provided in writing to employees at hire and annually thereafter. Employers are also required to provide the policy to employees who return to work following the birth of a child. While employers can include additional accommodations to fit the needs of the workplace, they must implement the minimum standards set forth in the model policy.

Key Takeaways

Employers in New York will likely want to adopt the state's model policy as soon as possible, and review the spaces, if any, they provide for employees who need to express breast milk, in light of the requirements in the new law. Employers also may want to ensure that their employee breastfeeding policies are compliant with the requirements of [New York City's lactation law](#), which took effect in 2019.

Ogletree Deakins' [New York office](#) will continue to monitor developments with respect to breastfeeding accommodations in the workplace and will provide updates on the [New York](#) and [Leaves of Absence](#) blogs as additional information becomes available.

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