



# CHANGING LAWS: The PUMP Act

## What employers need to know

### Introducing the PUMP Act

The *Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act* is a new law effective on December 29, 2022 that expands the *Break Time for Nursing Mothers* law, adding breastfeeding protections to an additional 9 million working women of childbearing age in the U.S.

### Lactation accommodations necessary to comply with the new law



#### Break times:

- Employees must be able to take a pumping break any time they need to during the course of their workday. The number of breaks may not be limited by the employer.
- Employees must be allowed to use any existing paid or unpaid breaks, but cannot be required to use those existing breaks. Furthermore, employers cannot define the length of a pumping break, and must include time for the employee to get to the space, set-up, and clean up.
- If employees conduct any work at all during a pumping break, that time must be paid and counts toward overtime calculations. Employers cannot force employees to work during their break. If the employee is relieved of all duties, then the break can be unpaid.



#### Lactation spaces:

- A private, functional space must be provided for the purpose of expressing breast milk. This space must be available to lactating employees any time they need it.
- The space must be shielded from view – including cameras or other surveillance – and free from intrusion by coworkers or the public.
- The space **MUST NOT** be a bathroom.

## Remediation:

- Effective April 28, 2023, employees may file a complaint with the Department of Labor and/or privately sue their employer for non-compliance.
- For violations of the private space requirement, employees must first notify their employer of any issues, and wait 10 days before filing a lawsuit. Any other violations do not require a notification or waiting period.
- Remedies or monetary damages may include employment, reinstatement, promotion, payment of lost wages or other economic losses, emotional distress, and attorneys' fees or lawsuit costs.
- Retaliation against any lactating employee is strictly prohibited.

## Reconciling federal and State law differences

The PUMP Act establishes a new 'floor' or baseline set of protections. Any state laws that go beyond the federal law – such as adding protections for additional groups of people (e.g., students), longer durations (e.g., up to two years post birth), or setting standards for lactation spaces – must be honored in addition to any federal protections. States without any local laws or protections must adhere to the federal laws as a minimum standard.

## The only exceptions to the new law are:

- Employers with fewer than 50 employees (total, across all locations) if they can prove 'undue hardship'
- 3-year delay for certain motorcoach and railway employees who gain protection Dec. 29, 2025
- Airline flight crewmembers (pilots and flight attendants) are not protected by the PUMP Act

## Learn more and access resources to help you comply

Use the resources below to learn more, and get in touch with an expert at Medela who can provide you with more information and consultation on what the PUMP Act might mean for your organization.

- Kin program from Medela and Mamava – resources, consultation, and lactation solutions  
[www.KinBenefits.com](http://www.KinBenefits.com)
- Department of Labor – fact sheets, FAQs and how to file a complaint  
[www.dol.gov/agencies/whd/pump-at-work](http://www.dol.gov/agencies/whd/pump-at-work)
- State breastfeeding laws – Mamava evaluation and listing of laws by state  
[www.mamava.com/lactation-laws](http://www.mamava.com/lactation-laws)

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