

A New Breast Pumping Law Has Gone Into Effect. Here's What It Means.

Mary Mathis for The New York Times



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Last week, expanded protections for nursing mothers, officially known as the Providing Urgent Maternal Protections for Nursing Mothers Act, or [PUMP Act](#), went into full effect, giving more workers the right to break time and a private space to pump. Congress passed the new legislation in December with large bipartisan support, but it was rolled out in phases to give employers time to adjust to the new requirements.

Building on a 2010 law, which compelled employers to provide breastfeeding accommodations, the PUMP Act was introduced in Congress in 2021. Support grew last summer amid the [baby formula shortage](#) and after the American Academy of Pediatrics issued [new guidelines](#) that support breastfeeding for two years or more. These events kicked off “a healthy debate” around the lack of institutional support for parents, said Sarah Brafman, a national policy director at A Better Balance, a nonprofit advocacy organization that helped draft the legislation. “There was a recognition that we need to be doing more to support pregnant and postpartum people,” she said.

More than [80 percent](#) of babies born in the United States start out receiving some breast milk, but at six months of age, just 56 percent do. [Research has shown](#) that working mothers who have adequate time and space to pump are 2.3 times as likely to be exclusively breastfeeding at six months than those without such access.

“We know breastfeeding rates go down dramatically at return to work,” said Dr. Casey Rosen-Carole, director of the breastfeeding and lactation medicine program at the University of Rochester Medical Center. “Part of the reason for that is that if you’re not emptying your breasts regularly, your milk supply goes down. And if your milk supply goes down, gradually, breastfeeding ceases.”

The PUMP Act, explained

In 2010, Congress included a provision in the Affordable Care Act that required employers to provide nursing mothers with “reasonable break time” and a private space “other than a bathroom” for one year after a child’s birth.

But the rule didn’t apply to workers who were exempt from overtime pay, which, according to the Department of Labor, [includes](#) those who have managerial duties; work in certain industries, like transportation or agriculture; or work on commission, among other categories. That meant nearly nine million workers of childbearing age didn’t have the protections to pump at work, Ms. Brafman said. There were also very few legal actions a worker could take if their employer denied them breaks or a space to pump — in a 2016 [discrimination case](#), a federal judge described the provision as “toothless.”

The new law covers almost all employees for a year after a child’s birth, with the exception of airline crew and pilots because of airline industry objections, Ms. Brafman said. It also doesn’t apply to certain coach bus and railway workers until 2025.

The [law requires](#) that a pumping space must be clean, sanitary, shielded from view and free from intrusion, Ms. Brafman said. It can be permanent or temporary, like a vacated office. The Department of Labor notes that the space must also be “functional,” which means it ideally “has a surface, is close to running water and there is some refrigeration nearby that can be used to store the milk,” Ms. Brafman added. In other words, something like a closet would likely not be considered an adequate space.

If workers are not provided with breaks and adequate space, the law allows them to file either a complaint with the Department of Labor or a lawsuit against their employers. If an employer is found liable, the worker would be entitled to “meaningful remedies,” Ms. Brafman said, including recovery for lost wages, attorney fees or punitive damages for emotional distress or health complications related to the inability to pump.

How to talk to your boss

It can be difficult and awkward to ask for accommodations at work, Dr. Rosen-Carole acknowledged. She said that she sometimes urges the mothers she sees in her clinic to

tap into their new parent energy and remind themselves that they're doing this for their child, and they know their rights. If you feel your employer hasn't provided suitable accommodations, it may also be helpful to get a note from a health care provider, she said, though it is not necessary.

"I think there's a lot of misunderstanding and confusion about what it really looks like to pump, so it's really about having a conversation with your employer" to discuss what accommodations work for you, Ms. Brafman added.

Ultimately, though, the legislation should shift the onus onto employers to proactively support their breastfeeding employees, said Katy Kozhimannil, a professor with the University of Minnesota School of Public Health.

"There's a lot of advice for people who are breastfeeding and a lot of suggestions for how to get your employer on board," Dr. Kozhimannil said. "I think that's too high a burden to put on postpartum people who are working and caring for an infant, and breastfeeding. The PUMP Act really makes it clear that the responsibility lies with the employer, not the employee."

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