

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 185

Introduced by Council Members Cumbo, Cornegy, Rosenthal, Chin, Rivera, Rose, Ayala, Ampry-Samuel, Koslowitz, Cabrera, Constantinides, Kallos, Lander, Adams and Levin.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring certain employers to provide lactation rooms

Be it enacted by the Council as follows:

Section 1. Section 8-102 of the administrative code of the city of New York is amended by adding a new definition of “lactation room” in alphabetical order to read as follows:

Lactation room. The term "lactation room" means a sanitary place, other than a restroom, that can be used to express breast milk shielded from view and free from intrusion and that includes at minimum an electrical outlet, a chair, a surface on which to place a breast pump and other personal items, and nearby access to running water.

§ 2. Paragraphs (b) and (c) of subdivision 22 of section 8-107 of the administrative code of the city of New York are relettered, respectively, as paragraphs (d) and (e), and a new paragraph (b) is added to such subdivision to read as follows:

(b) Employer lactation accommodation.

(i) Except as provided in subparagraph (iii) of this paragraph, employers shall provide the following to accommodate an employee needing to express breast milk: (1) a lactation room in

reasonable proximity to such employee's work area; and (2) a refrigerator suitable for breast milk storage in reasonable proximity to such employee's work area.

(ii) If a room designated by an employer to serve as a lactation room is also used for another purpose, the sole function of the room shall be as a lactation room while an employee is using the room to express breast milk. When an employee is using the room to express milk, the employer shall provide notice to other employees that the room is given preference for use as a lactation room.

(iii) Should the provision of a lactation room as required by this paragraph pose an undue hardship on an employer, the employer shall engage in a cooperative dialogue, as required by subdivision 28 of this section.

(iv) The presence of a lactation room pursuant to this subdivision shall not affect an individual's right to breastfeed in public pursuant to article 7 of the civil rights law.

§ 3. This local law takes effect 120 days after it becomes law, except that the commission on human rights shall take such measures as necessary for this implementation of this local law, including the promulgation of rules, before such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 17, 2018 and returned unsigned by the Mayor on November 19, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 185 of 2018, Council Int. No. 879-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.