

## State Meal/Rest Period Requirements

Under the Patient Protection and Affordable Care Act, employers covered by the Fair Labor Standards Act (FLSA) are now required to furnish “reasonable” breaks to nursing mothers to express milk for their infants. This was provided in a provision adding the following as a new subsection (r):

An employer shall provide:

- (A) a reasonable break time for an employee to express breast milk for her nursing child for one year after the child’s birth; and
- (B) a place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, which may be used by an employee to express breast milk.

There are two exceptions to these requirements under the health care law:

- Employers are not required to pay employees who take a breastfeeding break—unless a state law says otherwise.
- An employer with less than 50 employees is exempt if the requirements would “impose an undue hardship” by causing it “significant difficulty or expense” as compared to the employer’s size, resources and business structure.

For more information on state break requirements, please see <http://www.dol.gov/dol/topic/workhours/breaks.htm>

To check whether there is pending legislative issues or recently enacted legislative changes for your state(s) please [click here](#).

To access additional SHRM State Law & Regulation Resources [click here](#).

**If a state does not appear on the following chart it is due to our not finding any evidence a statute exists for that state.**

Click the letter corresponding to the state name below.

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State	Statute
<b>Arkansas</b>	<b>11-5-116 .</b> (a)(1) An employer shall provide reasonable unpaid break time each day to an employee who needs to express breast milk for her child in order to maintain milk supply and comfort. (2) To the extent possible, the break time required under subdivision (a)(1) of this section shall run concurrently with any paid or unpaid break time already provided to the employee. (b)(1) An employer shall make a reasonable effort to provide a private, secure, and sanitary room or other location in close proximity to the work area, other than a toilet stall, where an employee can express her breast milk. (2) The room or location provided under subdivision (b)(1) of this section may include the employee's normal work space if the employee's normal work space meets the requirements of this section. (c) This section does not require an employer to provide break time if to do so would create an undue hardship on the operations of the employer. (d) The employee shall make reasonable efforts to minimize disruption to the employer's operations.
<b>California</b>	<b>512.</b> (a) An employer may not employ an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes, except that if the total work period per day of the employee is no more than six hours, the meal period may be waived by mutual consent of both the employer and employee. An employer

may not employ an employee for a work period of more than 10 hours per day without providing the employee with a second meal period of not less than 30 minutes, except that if the total hours worked is no more than 12 hours, the second meal period may be waived by mutual consent of the employer and the employee only if the first meal period was not waived. (b) Notwithstanding subdivision (a), the Industrial Welfare Commission may adopt a working condition order permitting a meal period to commence after six hours of work if the commission determines that the order is consistent with the health and welfare of the affected employees. (c) Subdivision (a) does not apply to an employee in the wholesale baking industry who is subject to an Industrial Welfare Commission wage order and who is covered by a valid collective bargaining agreement that provides for a 35-hour workweek consisting of five 7-hour days, payment of one and one-half times the regular rate of pay for time worked in excess of seven hours per day, and a rest period of not less than 10 minutes every two hours. (d) If an employee in the motion picture industry or the broadcasting industry, as those industries are defined in Industrial Welfare Commission Wage Order Numbers 11 and 12, is covered by a valid collective bargaining agreement that provides for meal periods and includes a monetary remedy if the employee does not receive a meal period required by the agreement, then the terms, conditions, and remedies of the agreement pertaining to meal periods apply in lieu of the applicable provisions pertaining to meal periods of subdivision (a) of this section, Section 226.7, and Industrial Welfare Commission Wage Order Numbers 11 and 12. (e) Subdivisions (a) and (b) do not apply to an employee specified in subdivision (f) if both of the following conditions are satisfied: (1) The employee is covered by a valid collective bargaining agreement. (2) The valid collective bargaining agreement expressly provides for the wages, hours of work, and working conditions of employees, and expressly provides for meal periods for those employees, final and binding arbitration of disputes concerning application of its meal period provisions, premium wage rates for all overtime hours worked, and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. (f) Subdivision (e) applies to each of the following employees: (1) An employee employed in a construction occupation. (2) An employee employed as a commercial driver. (3) An employee employed in the security services industry as a security officer who is registered pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, and who is employed by a private patrol operator registered pursuant to that chapter. (4) An employee employed by an electrical corporation, a gas corporation, or a local publicly owned electric utility. (g) The following definitions apply for the purposes of this section: (1) "Commercial driver" means an employee who operates a vehicle described in Section 260 or 462 of, or subdivision (b) of Section 15210 of, the Vehicle Code. (2) "Construction occupation" means all job classifications associated with construction by Article 2 (commencing with Section 7025) of Chapter 9 of Division 3 of the Business and Professions Code, including work involving alteration, demolition, building, excavation, renovation, remodeling, maintenance, improvement, and repair, and any other similar or related occupation or trade. (3) "Electrical corporation" has the same meaning as provided in Section 218 of the Public Utilities Code. (4) "Gas corporation" has the same meaning as provided in Section 222 of the Public Utilities Code. (5) "Local publicly owned electric utility" has the same meaning as provided in Section 224.3 of the Public Utilities Code. SEC. 2. Notwithstanding any other provision of law, paragraphs (1) and (2) of subdivision (e) of Section 512 of the Labor Code do not affect the nature or scope of the law related to meal periods, including the timing of commencement of a meal period, for employees or employers not specifically covered by paragraphs (1) and (2) of subdivision (e) of Section 512 of the Labor Code. SEC. 3. Notwithstanding any other provision of law, including applicable Industrial Welfare Commission orders, the addition of paragraph (3) of subdivision (f) to Section 512 of the Labor Code made by this act does not affect the nature or scope of the law relating to meal periods for security officers who are not covered by a valid collective bargaining agreement. .

**800.** Every person operating a sawmill, shake mill, shingle mill, logging camp, planing mill, veneer mill, plywood plant or any other type of plant or mill which processes or manufactures any lumber, lumber products or allied wood products, in this State shall allow his employees a period of not less than one-half hour for the midday meal, between the third and fifth hours of each day's shift after the start thereof.

**IWC Wage order No. 1-2001 Sec. 11.** (A) No employer shall employ any person for a work period of more than five (5) hours without a meal period of not less than 30 minutes, except that when a work period of not more than six (6) hours will complete the day's work the meal period may be waived by mutual consent of the employer and employee. In the case of employees covered by a valid collective bargaining agreement, the parties to the collective bargaining agreement may agree to a meal period that commences after no more than six (6) hours of work. (B) An employer may not employ an employee for a work period of more than ten (10) hours per day without providing the employee with a second meal period of not less than 30 minutes, except that if the total hours worked is no more than 12 hours, the second meal period may be waived by mutual consent of the employer and the employee only if the first meal period was not waived. (C) Unless the employee is relieved of all duty during a 30 minute meal period, the meal period shall be considered an "on duty" meal period and counted as time worked. An "on duty" meal period shall be permitted only when the nature of the work prevents an employee from being relieved of all duty and when by written agreement between the parties an on-the-job paid meal period is agreed to. The written agreement shall state that the employee may, in writing, revoke the agreement at any time. (D) If an employer fails to provide an employee a meal period in accordance with the applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each work day that the meal period is not provided. (E) In all places of employment where employees are required to eat on the premises, a suitable place for that purpose shall be designated. 12. Rest Periods (A) Every employer shall authorize and permit all employees to take rest periods, which insofar as practicable shall be in the middle of each work period. The authorized rest period time shall be based on the total hours worked daily at the rate of ten (10) minutes net rest time per four (4) hours or major fraction thereof. However, a rest period need not be authorized for employees whose total daily work time is less than three and one-half (3 ½) hours. Authorized rest period time shall be counted as hours worked for which there shall be

no deduction from wages. (B) If an employer fails to provide an employee a rest period in accordance with the applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each work day that the rest period is not provided.

**3.8:1030. LACTATION ACCOMMODATION** -- Every employer, including the state and any political subdivision, shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. Break time for an employee that does not run concurrently with the rest time authorized for the employee by the applicable wage order of the Industrial Welfare Commission shall be unpaid.

**3.8:1031.** The employer shall make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private. The room or location may include the place where the employee normally works if it otherwise meets the requirements of this section.

**3.8:1032.** An employer is not required to provide break time under this chapter if to do so would seriously disrupt the operations of the employer.

**3.8:1033.** (a) An employer who violates any provision of this chapter shall be subject to civil penalty in the amount of one hundred dollars (\$100) for each violation. (b) If, upon inspection or investigation, the Labor Commissioner determines that a violation of this chapter has occurred, the Labor Commissioner may issue a citation. The procedures for issuing, contesting, and enforcing judgments for citations or civil penalties issued by the Labor Commissioner for violations of this chapter shall be the same as those set forth in Section 1197.1. (c) Notwithstanding any other provision of this code, violations of this chapter shall not be misdemeanors under this code. **SEC. 2.** No reimbursement shall be made from the State Mandates Claims Fund pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other provisions of law.

**Colorado**

**Min. Wage Order #22.** Employees shall be entitled to an uninterrupted and 'duty free' meal period of at least a thirty-minute duration when the scheduled work shift exceeds five consecutive hours of work. The employees must be completely relieved of all duties and permitted to pursue personal activities to qualify as a non-work, uncompensated period of time. When the nature of the business activity or other circumstances exist that makes an uninterrupted meal period impractical, the employee shall be permitted to consume an 'on-duty' meal while performing duties. Employees shall be permitted to fully consume a meal of choice 'on the job' and be fully compensated for the 'on-duty' meal period without any loss of time or compensation. Every employer shall authorize and permit rest periods, which, insofar as practicable, shall be in the middle of each four (4) hour work period. A compensated ten (10) minute rest period for each four (4) hours or major fractions thereof shall be permitted for all employees. Such rest periods shall not be deducted from the employee's wages. It is not necessary that the employee leave the premises for said rest period.

**8-13.5-104.** (1) AN EMPLOYER SHALL PROVIDE REASONABLE UNPAID BREAK TIME OR PERMIT AN EMPLOYEE TO USE PAID BREAK TIME, MEAL TIME, OR BOTH, EACH DAY TO ALLOW THE EMPLOYEE TO EXPRESS BREAST MILK FOR HER NURSING CHILD FOR UP TO TWO YEARS AFTER THE CHILD'S BIRTH. (2) THE EMPLOYER SHALL MAKE REASONABLE EFFORTS TO PROVIDE A ROOM OR OTHER LOCATION IN CLOSE PROXIMITY TO THE WORK AREA, OTHER THAN A TOILET STALL, WHERE AN EMPLOYEE CAN EXPRESS BREAST MILK IN PRIVACY. (3) AN EMPLOYER THAT MAKES REASONABLE EFFORTS TO ACCOMMODATE AN EMPLOYEE WHO CHOOSES TO EXPRESS BREAST MILK IN THE WORKPLACE SHALL BE DEEMED TO BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. (4) THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL PROVIDE, ON ITS WEB SITE, INFORMATION AND LINKS TO OTHER WEB SITES WHERE EMPLOYERS CAN ACCESS INFORMATION REGARDING METHODS TO ACCOMMODATE NURSING MOTHERS IN THE WORKPLACE. THE DEPARTMENT SHALL CONSULT WITH APPROPRIATE ORGANIZATIONS OR ASSOCIATIONS TO DETERMINE THE APPROPRIATE INFORMATION AND WEB SITE LINKS TO PROVIDE ON THE DEPARTMENT'S WEB SITE SO AS TO PROVIDE EMPLOYERS WITH THE MOST ACCURATE AND USEFUL INFORMATION AVAILABLE. (5) BEFORE AN EMPLOYEE MAY SEEK LITIGATION FOR A VIOLATION OF THIS SECTION, THERE SHALL BE NONBINDING MEDIATION BETWEEN THE EMPLOYER AND THE EMPLOYEE.

**Connecticut**

**Sec.31-51ii.** (a) No person shall be required to work for seven and one-half or more consecutive hours without a period of at least thirty consecutive minutes for a meal. Such period shall be given at some time after the first two hours of work and before the last two hours. (b) The provisions of this section shall not be construed to alter or impair the provisions of any collective bargaining agreement in effect on July 1, 1990. (c) The Labor Commissioner shall exempt any employer from the requirements of this section if he finds that (1) requiring compliance would be adverse to public safety, (2) the duties of a position may only be performed by one employee, (3) the employer employs less than five employees on a shift at a single place of business provided the exemption shall only apply to the employees on such shift or (4) the continuous nature of an employer's operations, such as chemical production or research experiments, requires that employees be available to respond to urgent or unusual conditions at all times and such employees are compensated for break and meal periods. The

	<p>commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish the procedures and requirements for the granting of such exemptions. (d) The provisions of this section shall not apply to any professional employee certified by the State Board of Education and employed by a local or regional board of education of any town or regional school district to work directly with children. (e) The provisions of this section shall not prevent any employer and employee from entering into a written agreement providing for a different schedule of meal periods than the schedule required by subsection (a) of this section. (f) The provisions of this section shall not apply to any employer who provides thirty or more total minutes of paid rest or meal periods to employees within each seven and one-half hour work period. (g) Any employer who violates the provisions of this section may be subject to civil penalties in accordance with section 31-69a.</p>
<p><b>Delaware</b></p>	<p><b>§ 707.</b> (a) An employer must allow an employee an unpaid meal break of at least 30 consecutive minutes, if the employee works 7 1/2 or more consecutive hours. The meal break must be given some time after the 1st 2 hours of work and before the last 2 hours. However, this rule does not apply to any professional employee certified by the State Board of Education and employed by a local school board to work directly with children. Also, it does not apply where there is a collective bargaining agreement or other written employer-employee agreement providing otherwise. Further, the Secretary of Labor shall issue rules for granting exemptions in cases where: (1) Compliance would adversely affect public safety; (2) Only 1 employee may perform the duties of a position; (3) An employer has fewer than 5 employees on a shift at a single place of business (in which case the exemption applies only to that shift); or (4) The continuous nature of an employer's operations, such as chemical production or research experiments, requires employees to respond to urgent or unusual conditions at all times and the employees are compensated for their meal break periods. (b) Any employer who discharges or in any manner discriminates against an employee because that employee has made a complaint or has given information to the Department of Labor pursuant to a violation of this section, or because the employee caused to be instituted or is about to cause to be instituted any proceedings under this section, or has testified or is about to testify in any such proceedings shall be deemed in violation of this section. (c) Whoever violates this section shall be subject to a civil penalty of not less than \$1,000 nor more than \$5,000 for each violation. Jurisdiction of violations of this subchapter shall be in any court of competent jurisdiction. (68 Del. Laws, c. 357, § 1; 69 Del. Laws, c. 294, §§ 8, 9; 70 Del. Laws, c. 186, § 1.)</p>
<p><b>Illinois</b></p>	<p><b>(820 ILCS 140/3) Sec. 3.</b> Every employer shall permit its employees who are to work for 7 1/2 continuous hours or longer, except those specified in this Section, at least 20 minutes for a meal period beginning no later than 5 hours after the start of the work period. This Section does not apply to employees for whom meal periods are established through the collective bargaining process. This Section does not apply to employees who monitor individuals with developmental disabilities or mental illness, or both, and who, in the course of those duties, are required to be on call during an entire 8 hour work period; however, those employees shall be allowed to eat a meal during the 8 hour work period while continuing to monitor those individuals.</p> <p>820 ILCS 140/3.1 Hotel room attendants. (a) As used in this Section, "hotel room attendant" means a person who cleans or puts in order guest rooms in a hotel or other establishment licensed for transient occupancy. (b) This Section applies only to hotels and other establishments licensed for transient occupancy that are located in a county with a population greater than 3,000,000. (c) Notwithstanding any other provision of law, every hotel room attendant shall receive a minimum of 2 15-minute paid rest breaks and one 30-minute meal period in each workday on which the hotel room attendant works at least 7 hours. An employer may not require any hotel room attendant to work during a break period. (d) Every employer of hotel room attendants shall make available at all times a room on the employer's premises with adequate seating and tables for the purpose of allowing hotel room attendants to enjoy break periods in a clean and comfortable environment. The room shall have clean drinking water provided without charge. (e) Each employer of hotel room attendants shall keep a complete and accurate record of the break periods of its hotel room attendants. (e) Each employer of hotel room attendants shall keep a complete and accurate record of the break periods of its hotel room attendants.</p>
<p><b>Indiana</b></p>	<p><b>4-1-2-1</b> It is the intent of this chapter that state offices be open and able to conduct public business at all times during an eight and one-half (8 1/2) hour working day. Each employee shall work for a full seven and one-half (7 1/2) hours each working day and provision for a one (1) hour lunch period shall be provided each employee. Lunch hours of employees shall be staggered to permit the conduct of business at all times during a working day. Breaks shall be provided as set forth in IC 5-10-6-2. It shall be lawful for state offices to close their doors for business from the close of the working day each Friday or in the event Friday is a legal holiday, then from the close of the working day on the Thursday which immediately precedes such legal holiday, until the commencement of the working day on the next following Monday, or in the event Monday is a legal holiday, then until the commencement of the working day on the Tuesday which immediately follows such legal holiday; provided, however, that the state library may be kept open until noon Saturdays in the discretion of the Indiana library and historical board.</p> <p><b>IC 5-10-6-2.</b> (a) The state and political subdivisions of the state shall provide reasonable paid 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. The state and political subdivisions are not required to provide break time under this section if providing break time would unduly disrupt the operations of the state or political subdivisions. (b) The state and political subdivisions of the state shall make reasonable efforts to provide a room or other location, other than a toilet stall, in close proximity to the work area, where an employee described in subsection (a) can express the employee's breast milk in privacy. The state and political subdivisions shall make reasonable efforts to provide a refrigerator or other cold storage space for keeping milk that has been expressed. The state or a political subdivision is not</p>

	<p>liable if the state or political subdivision makes a reasonable effort to comply with this subsection.</p> <p><b>IC 20-33-3-30</b> (a) This section applies to occupations for which a child less than eighteen (18) years of age may be employed or allowed to work under this chapter but does not apply to children subject to: (1) section 6 of this chapter; or (2) section 29(2) or 29(3) of this chapter. (b) A person, firm, limited liability company, or corporation that employs a child less than eighteen (18) years of age shall provide the child one (1) or two (2) rest breaks totaling at least thirty (30) minutes if the child is scheduled to work at least six (6) consecutive hours. Breaks shall be provided as set forth in IC 5-10-6-2.</p> <p><b>IC 22-2-14</b> Sec. 1. As used in this chapter, "employer" means a person or entity that employs twenty-five (25) or more employees. Sec.2. (a) To the extent reasonably possible, an employer shall provide a private location, other than a toilet stall, where an employee can express the employee's breast milk in privacy during any period away from the employee's assigned duties. (b) To the extent reasonably possible, an employer shall: (1) provide a refrigerator or other cold storage space for keeping milk that has been expressed; or (2) allow the employee to provide the employee's own portable cold storage device for keeping milk that has been expressed until the end of the employee's work day. (c) Except in cases of willful misconduct, gross negligence, or bad faith, an employer is not liable for any harm caused by or arising from either of the following that occur on the employer's premises: (1) The expressing of an employee's breast milk. (2) The storage of expressed milk.</p>
<b>Kentucky</b>	<p><b>337.355</b> Employers, except those subject to the Federal Railway Labor Act, shall grant their employees a reasonable period for lunch, and such time shall be as close to the middle of the employee's scheduled work shift as possible. In no case shall an employee be required to take a lunch period sooner than three (3) hours after his work shift commences, nor more than five (5) hours from the time his work shift commences. This section shall not be construed to negate any provision of a collective bargaining agreement or mutual agreement between the employee and employer.</p> <p><b>337.365</b> No employer shall require any employee to work without a rest period of at least ten (10) minutes during each four (4) hours worked, except those employees who are under the Federal Railway Labor Act. This shall be in addition to the regularly scheduled lunch period. No reduction in compensation shall be made for hourly or salaried employees.</p>
<b>Maine</b>	<p><b>601.</b> In the absence of a collective bargaining agreement or other written employer-employee agreement providing otherwise, an employee, as defined in section 663, may be employed or permitted to work for no more than 6 consecutive hours at one time unless he is given the opportunity to take at least 30 consecutive minutes of rest time, except in cases of emergency in which there is danger to property, life, public safety or public health. This rest time may be used by the employee as a mealtime. [1985, c. 212 (new).]1. Small business. This section does not apply to any place of employment where: 1. Small business. A. Fewer than 3 employees are on duty at any one time; and [1985, c. 212 (new).] B. The nature of the work done by the employees allows them frequent breaks during their work day.</p> <p><b>604.</b> An employer, as defined in section 603, subsection 1, paragraph A, shall provide adequate unpaid break time or permit an employee to use paid break time or meal time each day to express breast milk for her nursing child for up to 3 years following childbirth. The employer shall make reasonable efforts to provide a clean room or other location, other than a bathroom, where an employee may express breast milk in privacy. An employer may not discriminate in any way against an employee who chooses to express breast milk in the workplace.</p>
<b>Maryland</b>	<p><b>3-710</b> (B) THIS SECTION DOES NOT APPLY TO AN EMPLOYEE: (1) COVERED BY A COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT POLICY THAT INCLUDES SHIFT BREAKS EQUAL TO OR GREATER THAN THOSE PROVIDED UNDER THIS SECTION; (2) EXEMPT FROM OVERTIME PAY REQUIREMENTS UNDER THE FAIR LABOR STANDARDS ACT; (3) WHO WORKS FOR A UNIT OF THE STATE, A COUNTY, OR A MUNICIPALITY; (4) WHO WORKS IN A CORPORATE OFFICE OR OTHER OFFICE LOCATION; OR (5) WHO WORKS FOR AT LEAST 4 CONSECUTIVE HOURS FOR AN EMPLOYER AT A SINGLE LOCATION WITH 5 OR FEWER EMPLOYEES. (C) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION OR SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN EMPLOYER MAY NOT EMPLOY AN EMPLOYEE AT A RETAIL ESTABLISHMENT FOR: 4 TO 6 CONSECUTIVE HOURS WITHOUT PROVIDING A NONWORKING SHIFT BREAK OF AT LEAST 15 MINUTES; OR. (II) AN EMPLOYEE IS NOT ENTITLED TO A 15 MINUTE SHIFT BREAK UNDER THIS PARAGRAPH IF THE EMPLOYEE IS ENTITLED TO A 30 MINUTE SHIFT BREAK UNDER PARAGRAPH (2) OF THIS SUBSECTION. (2) AN EMPLOYER MAY NOT EMPLOY AN EMPLOYEE AT A RETAIL ESTABLISHMENT FOR MORE THAN 6 CONSECUTIVE HOURS WITHOUT PROVIDING A NONWORKING SHIFT BREAK OF AT LEAST 30 MINUTES. (3) IF AN EMPLOYEE WORKS 8 CONSECUTIVE HOURS IN A SINGLE SHIFT, THE EMPLOYER SHALL PROVIDE AN ADDITIONAL NONWORKING SHIFT BREAK OF AT LEAST 15 MINUTES FOR EVERY ADDITIONAL 4 CONSECUTIVE HOURS THE EMPLOYER EMPLOYS THE EMPLOYEE IN THE SHIFT. (4) IF AN EMPLOYEE'S WORK HOURS DO NOT EXCEED 6 CONSECUTIVE HOURS, THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION MAY BE WAIVED BY WRITTEN AGREEMENT BETWEEN THE EMPLOYER AND EMPLOYEE. (5) A SHIFT BREAK REQUIRED UNDER THIS SUBSECTION MAY BE CONSIDERED A WORKING SHIFT BREAK IF: (I) 1. TYPE OF WORK PREVENTS AN EMPLOYEE FROM BEING RELIEVED OF WORK DURING THE NONWORKING SHIFT BREAK; OR 2. THE EMPLOYEE IS ALLOWED TO CONSUME A MEAL WHILE WORKING AND THE WORKING SHIFT BREAK IS COUNTED TOWARDS THE EMPLOYEE'S WORK HOURS; AND (II) THE EMPLOYER AND EMPLOYEE MUTUALLY AGREE IN WRITING TO THE WORKING SHIFT BREAK (D) (1) IF AN EMPLOYER VIOLATES SUBSECTION (C) OF THIS SECTION, AN EMPLOYEE OF THE</p>

	<p>EMPLOYER MAY FILE A COMPLAINT WITH THE COMMISSIONER. (2) IF THE COMMISSIONER RECEIVES A COMPLAINT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER SHALL: (I) TRY TO RESOLVE THE ISSUE INFORMALLY; OR (II) DETERMINE WHETHER THE EMPLOYER HAS VIOLATED THIS SECTION.</p> <p>(3) IF THE COMMISSIONER DETERMINES THAT THE EMPLOYER HAS VIOLATED THIS SECTION, THE COMMISSIONER SHALL: (I) ISSUE AN ORDER COMPELLING COMPLIANCE WITH THIS SECTION .</p>
<b>Massachusetts</b>	<p><b>Chapter 149: Section 100.</b> No person shall be required to work for more than six hours during a calendar day without an interval of at least thirty minutes for a meal. Any employer, superintendent, overseer or agent who violates this section shall be punished by a fine of not less than three hundred nor more than six hundred dollars.</p>
<b>Minnesota</b>	<p><b>177.253</b> An employer must allow each employee adequate time from work within each four consecutive hours of work to utilize the nearest convenient restroom. Collective bargaining agreement. Nothing in this section prohibits employers and employees from establishing rest breaks different from those provided in this section pursuant to a collective bargaining agreement.</p> <p><b>177.254</b> 1. An employer must permit each employee who is working for eight or more consecutive hours sufficient time to eat a meal. 2. Nothing in this section requires the employer to pay the employee during the meal break. 3. Nothing in this section prohibits employers and employees from establishing meal periods different from those provided in this section pursuant to a collective bargaining agreement.</p>
<b>Nebraska</b>	<p><b>48-212</b> Any person, firm, or corporation owning or operating an assembling plant, workshop, or mechanical establishment employing one or more persons, shall allow all of their employees not less than thirty consecutive minutes between the hours of 12 noon and 1 p.m., in each day for lunch, or thirty consecutive minutes during any other suitable hour for lunch, and during such time it shall be unlawful for any such employer to require such employee or employees to remain in buildings or on the premises where their labor is performed; PROVIDED, that the provisions of this section shall not apply to any person, firm, or corporation owning or operating an assembling plant, workshop, or mechanical establishment where such assembling plant, workshop, or mechanical establishment operates in three shifts of eight hours each twenty-four hours.</p>
<b>Nevada</b>	<p><b>NRS 608.019</b> 1. An employer shall not employ an employee for a continuous period of 8 hours without permitting the employee to have a meal period of at least one-half hour. No period of less than 30 minutes interrupts a continuous period of work for the purposes of this subsection. 2. Every employer shall authorize and permit all his employees to take rest periods, which, insofar as practicable, shall be in the middle of each work period. The duration of the rest periods shall be based on the total hours worked daily at the rate of 10 minutes for each 4 hours or major fraction thereof. Rest periods need not be authorized however for employees whose total daily work time is less than 3 and one-half hours. Authorized rest period shall be counted as hours worked, for which there shall be no deduction from wages. 3. This section does not apply to: (a) Situations where only one person is employed at a particular place of employment. (b) Employees included within the provisions of a collective bargaining agreement. 4. An employer may apply to the labor commissioner for an exemption from providing to all or to one or more defined categories of his employees one or more of the benefits conferred by this section. The labor commissioner may grant the exemption if he believes the employer has shown sufficient evidence that business necessity precludes providing such benefits. Any exemption so granted shall apply to members of either sex. 5. The labor commissioner may by regulation exempt a defined category of employers from providing to all or to one or more defined categories of their employees one or more of the benefits conferred by this section, upon his own motion or upon the application of an association of employers. Each such application shall be considered at a hearing and may be granted if the labor commissioner finds that business necessity precludes providing that particular benefit or benefits to the employees affected. Any exemption so granted shall apply to members of either sex.</p>
<b>New Hampshire</b>	<p><b>275:30-a-</b> An employer may not require an employee to work more than 5 consecutive hours without granting him a 1/2 hour lunch or eating period, except if it is feasible for the employee to eat during the performance of his work, and the employer permits him to do so.</p> <p><b>275:48</b> No employer may withhold or divert any portion of an employee's wages unless: (1) The employer is required or empowered to do so by state or federal law, or (2) The employer has a written authorization by the employee for deductions for a lawful purpose accruing to the benefit of the employee as provided in regulations issued by the commissioner, (3). The deductions are pursuant to any rules or regulations for medical, surgical, or hospital care or service, without financial benefit to the employer and openly, clearly, and in due course recorded in the employer's books. (4) Voluntary installment payments of legitimate loans made by the employer to the employee as evidenced by a document that includes the following: (A) The time the payments will begin and end. (B) The amounts to be deducted. (C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment. (5) Voluntary payments for the recovery of accidental overpayment of wages when the following conditions are met: (A) The recovery is agreed to in writing. (B) The deduction for the overpayment begins one pay period following the date the parties execute the written agreement. (C) The written agreement specifies: (i) The date the recovery of the overpayment will begin and end. (ii) The amount to be deducted, which shall be agreed upon by the employer and the employee but which shall, in no event, be more than 20 percent of the employee's gross pay in any pay period. (iii) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment. (6) Voluntary payments for the recovery of tuition for non-required educational costs paid by the employer for the employee to an educational institution when the specific deduction is authorized in writing prior to the deduction as evidenced by a document that includes the following: (A) The time the payments will begin and end. (B) The</p>

	<p>amounts to be deducted. (C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment. (7) The employer has a written request from the employee, made at the time of the original request without coercion or pressure, that authorizes the employer to deduct from the employee's final wages at the termination of employment any amount the employee may owe for voluntary payments for vacation pay, paid time off pay, earned time pay, personal time pay, annual pay, sick pay, sick dependent pay, and bereavement pay made pursuant to a written employment policy as required by RSA 275:49, III, when the payments have been requested and paid to the employee in advance of eligibility.</p>
<b>New Mexico</b>	<p><b>50-5-4</b> A mealtime shall not be included as a part of the working day; provided, however, that not less than thirty minutes shall be allowed for such mealtime.</p>
<b>New York</b>	<p><b>§ 162.</b> 1. Every person employed in or in connection with a factory shall be allowed at least sixty minutes for the noon day meal. 2. Every person employed in or in connection with a mercantile or other establishment or occupation coming under the provisions of this chapter shall be allowed at least thirty minutes for the noon day meal, except as in this chapter otherwise provided. The noon day meal period is recognized as extending from eleven o'clock in the morning to two o'clock in the afternoon. An employee who works a shift of more than six hours which extends over the noon day meal period is entitled to at least thirty minutes off within that period for the meal period. 3. Every person employed for a period or shift starting before eleven o'clock in the morning and continuing later than seven o'clock in the evening shall be allowed an additional meal period of at least twenty minutes between five and seven o'clock in the evening. 4. Every person employed for a period or shift of more than six hours starting between the hours of one o'clock in the afternoon and six o'clock in the morning, shall be allowed at least sixty minutes for a meal period when employed in or in connection with a factory, and forty-five minutes for a meal period when employed in or in connection with a mercantile or other establishment or occupation coming under the provisions of this chapter, at a time midway between the beginning and end of such employment. 5. The commissioner may permit a shorter time to be fixed for meal periods than hereinbefore provided. The permit therefore shall be in writing and shall be kept conspicuously posted in the main entrance of the establishment. Such permit may be revoked at any time.</p>
<b>North Dakota</b>	<p><b>46-02-07-02.</b> A minimum thirty-minute meal period must be provided in each shift exceeding five hours when there are two or more employees on duty. Employees may waive their right to a meal period upon agreement with the employer. Employees do not have to be paid for meal periods if they are completely relieved of their duties and the meal period is ordinarily thirty minutes in length. The employee is not completely relieved if required to perform any duties during the meal period. Collectively bargained agreements will prevail over this provision.</p> <p>14-02.4 1. Except for the private home or residence of another, a woman may breastfeed her child in any location, public or private, where the woman and child are otherwise authorized to be, irrespective of whether the nipple of the woman's breast is uncovered during or incidental to the breastfeeding. 2. It is a discriminatory practice to deny or attempt to deny the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation to a woman because the woman is breastfeeding her child. Sixty-first Legislative Assembly 3. It is a discriminatory practice for any employer to refuse to hire or employ or to bar or discharge from employment or withhold pay, demote, or penalize an employee because the employee breastfeeds or expresses milk at the workplace. An employer may not prohibit an employee from expressing breast milk during any meal period or other break period required by law to be provided by an employer. SECTION 6. A new section to chapter 23-12 is created: Workplace breastfeeding policies - Infant friendly designation. 1. An employer may use the designation "infant friendly" on its promotional materials if the employer has an approved workplace breastfeeding policy that addresses at least the following: a. Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for expression of breast milk; b. A convenient, sanitary, safe, and private location, other than a restroom, allowing privacy for breastfeeding or expressing breast milk; c. A convenient clean and safe water source with facilities for washing hands and rinsing breast-pumping equipment located in the private location specified in subdivision b; and d. A convenient hygienic refrigerator in the workplace for the temporary storage of the mother's breast milk. 2. An employer seeking approval of a workplace breastfeeding policy must submit the policy to the state department of health. The state department of health shall review and approve those policies that meet the requirements of this section. The state department of health shall develop and implement the criteria for "infant friendly" employers.</p>
<b>Oregon</b>	<p><b>OAR 839-020-1010(2).</b> Under Oregon law, the typical adult employee whose work period is eight hours long must receive at least a 30-minute unpaid meal period and two paid ten-minute rest breaks. Following are answers to some of the most commonly asked questions regarding meal period and rest break rules.</p>
<b>Pennsylvania</b>	<p><b>43 PS § 1301.207.</b> seasonal farm workers shall not be permitted to work more than 5 continuous hours without a 30 minute meal or rest period, which shall not be considered part of labor hours. No period of less than 30 minutes shall be deemed to interrupt a continuous work period.</p> <p><b>Sec. 46.</b> No minor under eighteen years of age shall be employed or permitted to work for more than five hours continuously in, about, or in connection with, any establishment without an interval of at least thirty minutes for a lunch period and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work. Notwithstanding any other provision of this section, a minor who is sixteen or seventeen years of age who is employed during the months of June, July, August or September by a summer resident camp or a conference or retreat operated by a religious or scout organization shall receive one day of rest (twenty-four consecutive hours of rest) during every seven-day period: Provided, That this paragraph shall not apply to a minor employed primarily for general maintenance work or food service activities.</p>

	<p><b>Sec. 13348.</b> The director, or other officers of the department having charge of the fire bureau in each city of the first class, shall divide the officers and members of the companies of the uniformed fire protection forces in the employ of such cities, excepting the chief engineer and assistant chiefs and those employed subject to call, into two bodies or platoons. One to perform day service and the other to perform night service. The hours of day service shall not exceed ten commencing at eight o'clock in the morning, and the hours of night service shall not exceed fourteen commencing at six o'clock in the afternoon. The hours of day service shall not exceed thirty hours, and the hours of night service shall not exceed forty-two hours in the same calendar week. The employees of such fire forces shall be allowed to have at least twenty-four consecutive hours of rest in every calendar week exclusive of the change day, and to have an annual vacation of not less than fourteen days without diminution of, in either case, of the salary or compensation fixed by ordinance or resolution. But no vacation or suspension period shall be increased or reduced by reason of the fact that, during such period, such member, if working, would have been entitled to one or more rest days under the provisions of this act. In case of public celebrations, riots, serious conflagration, floods, times of war, pestilence or such emergencies, the chief engineer in charge of the bureau of fire or the assistant chief deputy or chief officer in charge at any fire, shall have the power to assign all members of the fire protection forces to continuous duty or to continue any members thereof on duty if necessary. No member of either said shifts, bodies or platoons shall be required to perform any longer day duty than thirty hours of day service or forty-two hours of night service in the same calendar week, excepting as may be necessary to equalize the hours of duty and service, and also excepting in case of emergencies as above provided.</p>
<b>Rhode Island</b>	<p><b>28-3-14</b> All employees are entitled to a twenty (20) minute mealtime within a six (6) hour work shift, and a thirty (30) minute mealtime with an eight (8) hour work shift. An employer shall not be required to compensate an employee for this mealtime. The provisions of this section shall not apply to: (a) an employer of a health care facilities licensed in accordance with chapter 23-17 of the general laws; or (b) an employer who employs less than three (3) people on any shift at the worksite.</p>
<b>Tennessee</b>	<p><b>§50-2-103</b> Each employee must have a thirty (30) minute unpaid rest break or meal period if scheduled to work six (6) hours consecutively, except in workplace environments that by their nature of business provide for ample opportunity to rest or take an appropriate break. Such break shall not be scheduled during or before the first hour of scheduled work activity.</p>
<b>Vermont</b>	<p><b>§ 304.</b> An employer shall provide an employee with reasonable opportunities during work periods to eat and to use toilet facilities in order to protect the health and hygiene of the employee.\</p> <p><b>305</b> (a) For an employee who is a nursing mother, the employer shall for three years after the birth of a child: (1) provide reasonable time, either compensated or uncompensated, throughout the day to express breast milk for her nursing child. The decision to provide compensated time shall be in the sole discretion of the employer, unless modified by a collective bargaining agreement; and (2) make a reasonable accommodation to provide appropriate private space that is not a bathroom stall. (b) An employer may be exempted from the provisions of subsection (a) of this section if providing time or an appropriate private space for expressing breast milk would substantially disrupt the employer's operations. (c) An employer shall not retaliate or discriminate against an employee who exercises the right provided under this section. (d) In lieu of an enforcement action through the Vermont Judicial Bureau, the attorney general or a state's attorney may enforce the provisions of this section by bringing a civil action for temporary or permanent injunctive relief, economic damages, including prospective lost wages for a period not to exceed one year, investigative and court costs. The attorney general or a state's attorney may conduct an investigation of an alleged violation and enter into a settlement agreement with the employer. Such investigation shall not be a prerequisite to bringing a court action.</p>
<b>Utah</b>	<p><b>R477-8-4</b> (1) Management may require a minimum of 30 minutes noncompensated lunch period. (2) An employee may take a 15 minute compensated break period for every four hours worked. (3) Break periods may not be accumulated to accommodate a shorter work day or longer lunch period.</p>
<b>Washington</b>	<p><b>296-126-092</b> (1) Employees shall be allowed a meal period of at least 30 minutes which commences no less than two hours nor more than five hours from the beginning of the shift. Meal periods shall be on the employer's time when the employee is required by the employer to remain on duty on the premises or at a prescribed work site in the interest of the employer. (2) No employee shall be required to work more than five consecutive hours without a meal period. (3) Employees working three or more hours longer than a normal work day shall be allowed at least one 30-minute meal period prior to or during the overtime period. (4) Employees shall be allowed a rest period of not less than 10 minutes, on the employer's time, for each 4 hours of working time. Rest periods shall be scheduled as near as possible to the midpoint of the work period. No employee shall be required to work more than three hours without a rest period. (5) Where the nature of the work allows employees to take intermittent rest periods equivalent to 10 minutes for each 4 hours worked, scheduled rest periods are not required.</p>
<b>West Virginia</b>	<p><b>§21-3-10a.</b> During the course of a workday of six or more hours, all employers shall make available for each of their employees, at least twenty minutes for meal breaks, at times reasonably designated by the employer. This provision shall be required in all situations where employees are not afforded necessary breaks and/or permitted to eat lunch while working</p>
<b>Wisconsin</b>	<p><b>272.12</b> Rest periods of short duration, running less than 30 minutes are common in industry. They promote the efficiency of the employee and are customarily paid for as working time. They must be counted as hours worked. Compensable time of rest periods may not be offset against other working time such as compensable waiting time or on-call time. Bona fide meal periods of 30 minutes or more are not work time. Bona fide meal periods do not include coffee breaks or time for snacks. These are rest periods. The employee must be completely relieved from duty for the purposes of eating regular meals. Ordinarily 30 minutes or more is long enough for a bona fide meal period. The employee is not relieved if they are required</p>

to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at their desk or a factory worker who is required to be at their machine is working while eating.

**253.16 Right to breast-feed.** A mother may breast-feed her child in any public or private location where the mother and child are otherwise authorized to be. In such a location, no person may prohibit a mother from breast-feeding her child, direct a mother to move to a different location to breast-feed her child, direct a mother to cover her child or breast while breast-feeding, or otherwise restrict a mother from breast-feeding her child as provided in this section.

**SECTION 2. Initial applicability.** (1) RIGHT TO BREAST-FEED. This act first applies to acts occurring on the effective date of this subsection.