

AN ACT

RELATING TO NURSING MOTHERS; SAFEGUARDING A NURSING MOTHER'S
RIGHT TO USE A BREAST PUMP IN THE WORKPLACE AND TO HAVE A
FLEXIBLE BREAK TIME IN WHICH TO USE IT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 28, Article 20 NMSA
1978 is enacted to read:

"USE OF A BREAST PUMP IN THE WORKPLACE.--

A. In order to foster the ability of a nursing
mother who is an employee to use a breast pump in the
workplace, an employer, including the state and its political
subdivisions, shall provide:

(1) a space for using the breast pump that
is:

- (a) clean and private;
- (b) near the employee's workspace; and
- (c) not a bathroom; and

(2) flexible break times.

B. An employer shall not be liable for:

(1) storage or refrigeration of breast milk;
(2) payment for a nursing mother's break
time in addition to established employee breaks; or

(3) payment of overtime while a nursing
mother is using a breast pump."

