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## **Fair Labor Standards Act of 1938**

### **29 U.S.C. § 207**

*Effective March 23, 2010*

The Patient Protection and Affordable Care Act amended Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. § 207) by adding the following:

- (r)(1) An employer shall provide—
- a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk; and
  - a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.
- (2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose.
- (3) An employer that employs less than 50 employees shall not be subject to the requirements of this subsection, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.
- (4) Nothing in this subsection shall preempt a State law that provides greater protections to employees than the protections provided for under this subsection.