

Minnesota Extends Protections and Accommodations for Pregnant and Lactating Employees

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On May 24, 2023, Governor Tim Walz signed into law legislation that further expands protections for nursing and pregnant employees in Minnesota. The amendment, included in [Senate File \(SF\) 3035](#), builds on the [changes](#) that became effective in January 2022 to Minnesota's nursing mothers and pregnancy accommodations law (Minn. Stat. § 181.939), which required employers to offer *paid* break time for employees to express breast milk for their children. The amendment is effective July 1, 2023.

Quick Hits

- **Under the previous law, employees were only entitled to paid breaks to express breast milk up to twelve months following the birth of a child. SF 3035 removes the twelve-month restriction.**
- **Under the previous law, employers had the ability to limit breaks if they would “unduly disrupt” business operations. The amendment removes this defense for employers.**
- **The amendment requires employers to provide notice to employees of their rights during pregnancy “at the time of hire” and “when an employee makes an inquiry about or requests parental leave.”**

Nursing Mothers and Lactating Employees

SF 3035 amends Minn. Stat. § 181.939, subd.1, and strengthens protections for nursing employees in the following ways:

- The previous law required employers to offer paid time to employees who wished to express breast milk up to twelve months following the birth of their child. Effective July 1, 2023, the one-year limitation will be eliminated, allowing employees greater access to paid time to express milk for their child beyond the previous twelve-month limitation.
- Previously, break times were required (“must, if possible”) to run concurrently with any break times provided to the employee. Beginning July 1, 2023, break times “may” run concurrently with any break times provided to the employee.

- SF 3035 removes the current statutory language stating that employers are “not required to provide break times under this section if to do so would unduly disrupt the [employer’s] operations.” This effectively removes a defense for employers to limit break times for employees to express breast milk.
- In addition to the current requirement which requires employers to provide a space that is in close proximity to the work area and free from intrusion from coworkers and the public to express breast milk, employers will also be required to provide a space that is “clean, private, and secure.” SF 3035 does not go into further detail on these changes, but employers may want to consider the nature of the space provided to comply with these changes.

Pregnancy Accommodations

Prior to the amendment, all Minnesota employers who employed fifteen or more employees were required to provide reasonable accommodations for pregnant employees. The amendment changes the number of employees from “fifteen or more” to “one or more,” which means any person or entity that hires at least one employee is now subject to this provision.

SF 3035 also deletes a reference to “restroom breaks” and extends the scope of reasonable accommodations for pregnant employees, as follows:

Reasonable accommodation may include but is not limited to temporary transfer to a less strenuous or hazardous position, temporary leave of absence, modification in work schedule or job assignments, seating, more frequent restroom breaks or longer break periods, and limits to heavy lifting.

The new language reflects the legislature’s intent to provide additional and more efficient access to accommodations for pregnant employees.

SF 3035 also requires employers to inform employees of their rights during pregnancy “at the time of hire” and “when an employee makes an inquiry about or requests parental leave.” Moreover, for employees whose primary language is not English, such information must be provided in their identified primary language.

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