

Lactation Support for Breastfeeding Mothers: Assessing Business Readiness for NH RSA 275:78 Compliance, 2024

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Executive Summary

This report was developed by the New Hampshire Occupational Health Surveillance Program at the University of New Hampshire Institute on Disability, in partnership with the New Hampshire Department of Health and Human Services, Bureau of Family Health & Nutrition Program, based on a 2024 survey of New Hampshire businesses. The purpose of the survey was to assess business readiness for compliance with NH RSA 275.78, *Policies Relating to Nursing Mothers*, which will take effect on July 1, 2025. The new law requires employers with six or more employees to provide accommodations for nursing mothers, including reasonable break periods and private spaces for lactation, and adopt a formal policy that outlines these accommodations. The law aims to support the health and well-being of nursing mothers and create more inclusive, family-friendly workplaces.¹

The survey found that many businesses currently provide physical accommodations, such as private lactation spaces with sinks and refrigerators. However, a significant number of businesses reported that space limitations have presented challenges to providing lactation support to employees. In addition, while more than half of businesses believe their employees are aware of the lactation support policies and resources available, a majority of mothers in a previous study indicated uncertainty about whether their workplace has a written policy on breastfeeding and pumping. Furthermore, many businesses reported that they do not have a formal written policy in place to support nursing mothers, which creates a gap in preparedness for full compliance with the law.

This report emphasizes the importance of businesses taking proactive steps to prepare for the law's implementation by July 2025. It recommends that businesses formalize written policies for supporting nursing mothers, address space limitations where feasible, and ensure that employees are fully informed about the resources and accommodations available. By taking these steps, businesses can not only ensure compliance with the new law but also foster a supportive and inclusive work environment that enhances employee satisfaction and retention.

Introduction

In 2024, the New Hampshire Occupational Health Surveillance Program, in collaboration with the Department of Health and Human Services, Bureau of Family Health & Nutrition Program, conducted a survey of New Hampshire businesses to assess their preparedness for the implementation of NH RSA 275.78, *Policies Relating to Nursing Mothers*. This legislation, which takes effect on July 1, 2025, requires

¹ https://legiscan.com/NH/text/HB358/id/2825719/New_Hampshire-2023-HB358-Amended.html

businesses with six or more employees to provide accommodations for nursing mothers, including reasonable break periods, private spaces for lactation, and the adoption of a formal written policy to support breastfeeding employees. The law aims to ensure the health and well-being of nursing mothers and to foster more family-friendly, inclusive workplaces.

The survey was designed to evaluate the current practices of businesses in New Hampshire related to lactation support, including the physical accommodations available to nursing employees, the existence of formal policies, and businesses' perceptions of potential barriers and benefits. Additionally, the survey sought to gauge businesses' awareness and preparedness for compliance with the new regulations. The findings of this survey will help inform businesses about the steps they need to take to ensure compliance with the law and better support their employees who are nursing mothers.

This report summarizes the results of the 2024 survey and provides insights into the current state of lactation support in New Hampshire businesses. It outlines the key challenges businesses face, highlights areas where further preparation is needed, and offers recommendations for businesses to take proactive steps toward meeting the requirements of NH RSA 275.78. By addressing gaps in policies, practices, and communication, businesses can not only ensure compliance but also create a more supportive work environment for their employees.

Methods

Study Design and Setting

An anonymous survey, implemented via Qualtrics online, was distributed to New Hampshire businesses between June and December of 2024. The goal of the survey was to better understand what resources and benefits businesses offer to support breastfeeding employees, as well as the challenges or barriers businesses face in providing such accommodations.

Study Population and Descriptive Variables

To be eligible for participation in the survey, businesses were required to be located and actively operating in New Hampshire. Additionally, the respondent was required to hold a position within the business that represented its views, such as a leadership or decision-making role. By the conclusion of the survey process, a total of 99 businesses from a range of industries participated. Industry coding was completed based on NAICS² 2-digit, and SOC³ major codes, aligned with 2012 Census codes. In addition to identifying their industry type, businesses were asked to provide

² North American Industry Classification System (<https://www.census.gov/naics/>)

³ US Bureau of Labor Statistics Standard Occupational Classification (<https://www.bls.gov/soc/>)

information regarding their leadership structure, business type, business location by county, respondent role, and the number of employees.

Outcome Measures

The survey gathered data on several key outcome measures, including businesses' current policies and practices related to lactation support, the state of physical infrastructure available for lactation accommodations, and businesses' perceptions of the barriers and benefits associated with meeting lactation support requirements. Additionally, businesses were asked about their future plans regarding lactation support for employees.

Statistical Analysis

R Version 4.2 was used as the primary statistical software (2021). The following libraries were used: tidyverse, readxl, dplyr, readxl, and openslx.

Results & Discussion

The characteristics of the businesses represented in the survey are detailed in Tables 1a to 1g. A significant proportion of respondents indicated that they held leadership positions (29.3%), worked in Human Resources (27.3%), or occupied other roles in their company (25.2%). Furthermore, the majority of respondents were employed by for-profit organizations (52.5%) or non-profit organizations (43.4%). In terms of organizational structure, respondents predominantly reported working in non-profit organizations (40.4%) or corporations (22.1%). Regarding company size, the survey found that businesses with 11 to 50 employees accounted for the largest proportion (27.3%), followed by those with 51 to 99 employees (20.2%), and those with 1 to 10 employees (19.2%). The three most common industries represented among the respondents were Health Care and Social Assistance (17.2%), Professional, Scientific, and Technical Services (14.1%), and Educational Services (14.1%). Geographically, the respondent businesses were primarily located in Hillsborough (24.5%) and Merrimack (24.5%) counties.

Table 1a: New Hampshire Business Survey Respondents, 2024

| Characteristic | Frequency | Percent (%) |
|--------------------|-----------|-------------|
| Survey Respondents | 99 | 100.0 |

Table 1b: New Hampshire Business Survey Respondents by Employer Size, 2024

| Employer Size | Frequency | Percent (%) |
|-----------------------|-----------|-------------|
| 1 to 10 Employees | 19 | 19.2 |
| 11 to 50 Employees | 27 | 27.3 |
| 51 to 99 Employees | 20 | 20.2 |
| 100 to 200 Employees | 16 | 16.1 |
| 201 to 500 Employees | 10 | 10.1 |
| 500 or more Employees | 7 | 7.1 |

Table 1c: New Hampshire Business Survey Respondents by Type of Business, 2024

| Type of Business | Frequency | Percent (%) |
|------------------|-----------|-------------|
| For-profit | 52 | 52.5 |
| Non-profit | 43 | 43.4 |
| Government | 3 | 3.1 |
| Other | 1 | 1.0 |

Table 1d: NH Business Survey Respondents by Leadership Structure, 2024

| Leadership Structure | Frequency | Percent (%) |
|----------------------|-----------|-------------|
| Non-profit | 40 | 40.4 |
| Corporation | 22 | 22.1 |
| Sole proprietorship | 16 | 16.1 |
| Other | 13 | 13.1 |
| Partnership | 8 | 8.1 |

Table 1e: NH Business Survey Respondents by Respondent Role, 2024

| Respondent Role | Frequency | Percent (%) |
|--|------------------|--------------------|
| Business Leadership (Senior or middle level managers) | 29 | 29.3 |
| HR personnel | 27 | 27.3 |
| Other position (Please specify) | 25 | 25.2 |
| Business Owner | 17 | 17.2 |
| Safety and health management department personnel | 1 | 1.0 |

Table 1f: NH Business Survey Respondents by Industry, 2024

| Industry | Frequency | Percent (%) |
|---|------------------|--------------------|
| Accommodation & Food Services | 2 | 2.0 |
| Administrative and Support and Waste Management and Remediation Services | 1 | 1.0 |
| Agriculture, Forestry, Fishing and Hunting | 1 | 1.0 |
| Arts, Entertainment, and Recreation | 4 | 4.1 |
| Construction | 8 | 8.1 |
| Educational Services | 14 | 14.1 |
| Finance & Insurance | 3 | 3.1 |
| Health Care And Social Assistance | 17 | 17.2 |
| Information | 1 | 1.0 |
| Insufficient Information | 3 | 3.0 |
| Manufacturing | 7 | 7.1 |
| Other Services (Except Public Administration) | 10 | 10.1 |
| Professional, Scientific, & Technical Services | 14 | 14.1 |
| Public Administration | 3 | 3.0 |
| Real Estate and Rental and Leasing | 4 | 4.0 |
| Retail Trade | 5 | 5.1 |
| Utilities | 1 | 1.0 |
| Wholesale Trade | 1 | 1.0 |

Table 1g: NH Business Survey Respondents by Business Location by County, 2024

| Business Location by County | Frequency | Percent (%) |
|-----------------------------|-----------|-------------|
| Belknap | 7 | 7.1 |
| Carroll | 5 | 5.1 |
| Cheshire | 6 | 6.1 |
| Coos | 6 | 6.1 |
| Grafton | 10 | 10.2 |
| Hillsborough | 24 | 24.5 |
| Merrimack | 24 | 24.5 |
| Rockingham | 20 | 20.4 |
| Strafford | 12 | 12.2 |
| Sullivan | 7 | 7.1 |

* Percentage was calculated excluding missing data

Current Policy and Practice

NH RSA 275.78 requires that employers create and implement a policy that addresses the provision of a sufficient space and reasonable break periods for nursing employees needing to express milk during working hours. Although 76.8% of businesses reported that they are aware of the state and federal laws regarding lactation support in the workplace (Figure 1), 53.1% reported that they did not have a formal written policy in place to support breastfeeding employees (Figure 2). Without such a policy, businesses may face challenges in ensuring that all employees are informed about the lactation support accommodations available to them, leading to confusion or lack of clarity. When asked what policies are in place to accommodate breastfeeding mothers, 98.8% of all responses selected break time for lactation, 91.0% selected flexible work hours, 77.6% selected paid maternity/family leave and 76.9% selected remote work options (Figure 3).

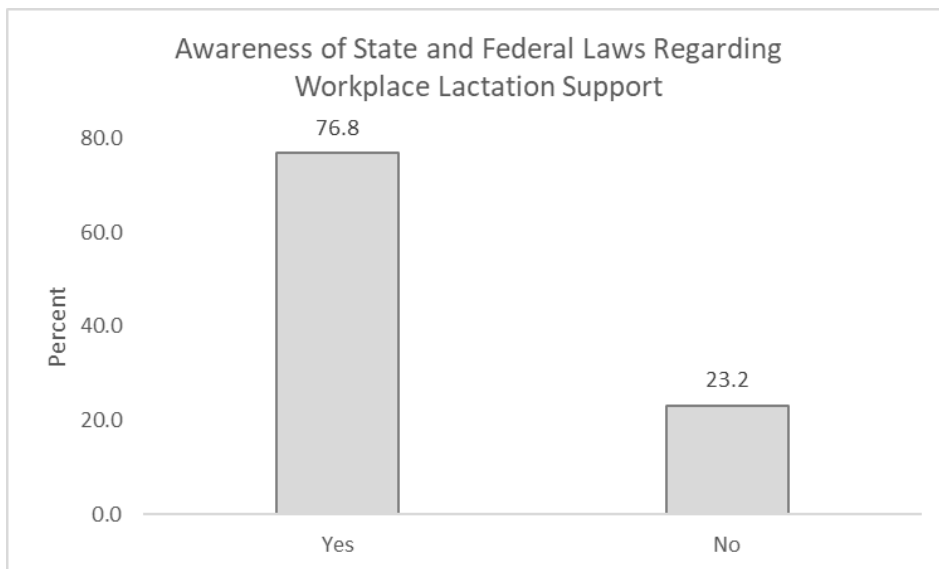


Figure 1 Employer is aware of state and federal laws.

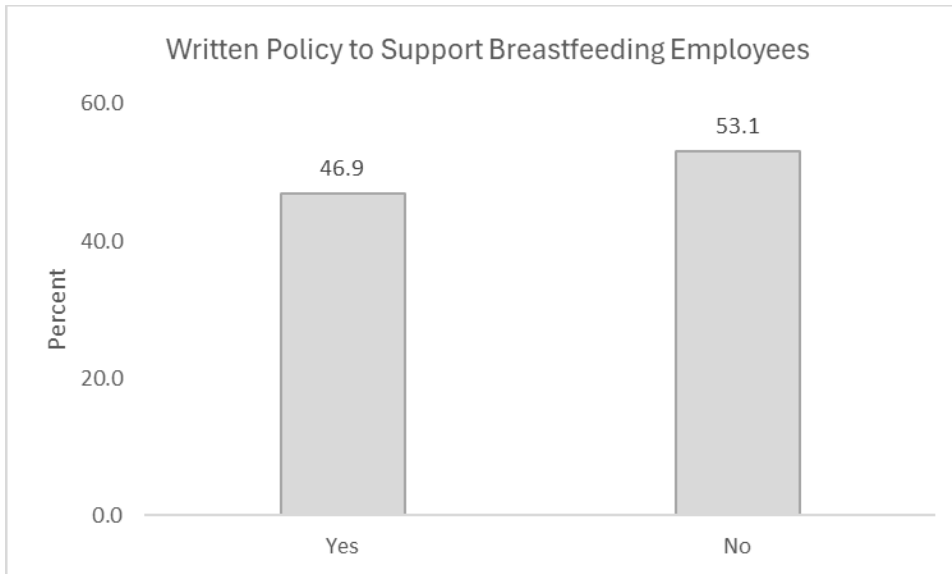


Figure 2 Employer has a formal written policy to support breastfeeding employees

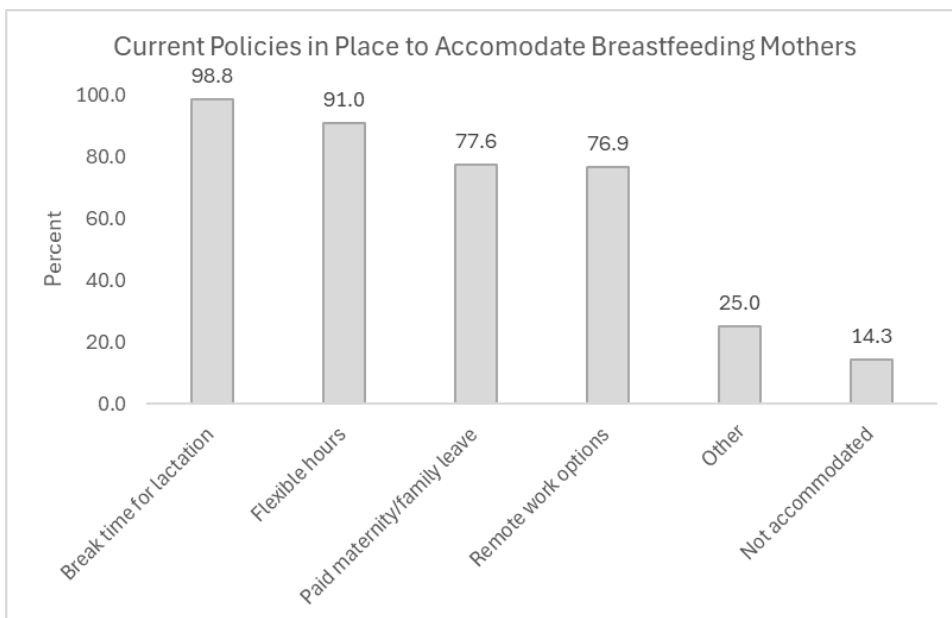


Figure 3 Policies in Place to Accommodate Breastfeeding Mothers

The law also states that this policy is required to be provided to employees at the time of hire. While 55.6% of businesses in the survey reported that their employees are aware of the lactation support policies, services, and resources available in their workplace (Figure 4), a 2019 survey of WIC mothers in New Hampshire found that 51.4% indicated they were not sure if their employer had a written policy on breastfeeding or pumping (Lauer et al, 2019). Of those businesses that reported their employees are aware of lactation support policies and supports, 67.3% indicated that their employees learn about these policies via the employee handbook, 51.9% said during Human Resources orientation, and 44.2% said from co-workers.

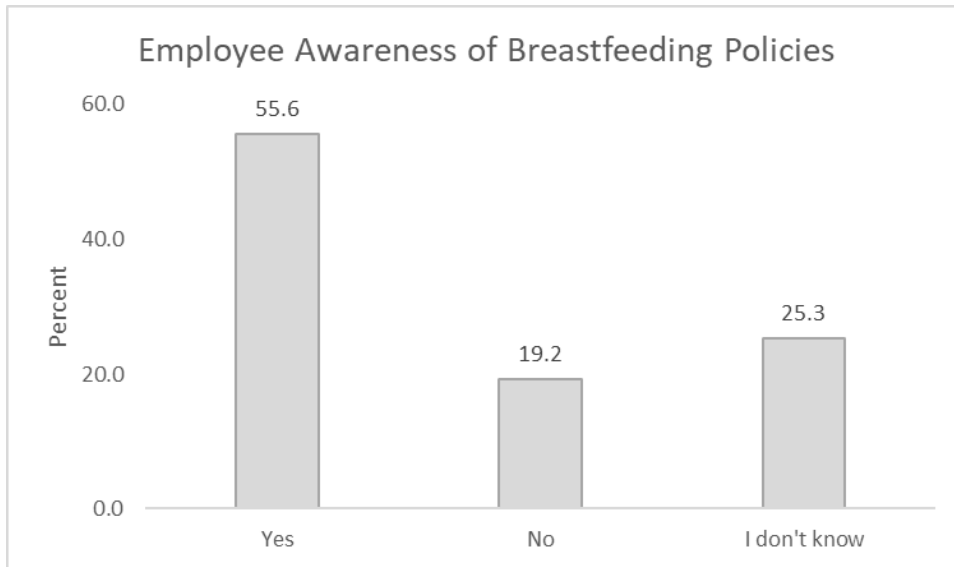


Figure 4 Employee Awareness of Breastfeeding Policies

Break Periods

Under New Hampshire RSA 275:78, employers are mandated to provide reasonable break periods for employees who need to express milk. Specifically, the law requires employers to offer an unpaid break of approximately 30 minutes for every three hours of work performed by a nursing employee. These break periods must be provided for up to one year from the date of the child's birth. Importantly, employees are not required to make up the time taken for these lactation breaks.

The law also allows for employers and employees to negotiate break periods that differ from the standard break periods outlined in the law. Additionally, employees may take their lactation breaks simultaneously with any other break or meal periods already provided by the employer, which helps to integrate lactation support into the existing work schedule.

As previously mentioned, businesses in the survey reported that their current policies to accommodate breastfeeding employees include break time for lactation (98.7% of all responses) (Figure 3). This aligns with a prior survey which found that 45.5% of mothers reported their employer provides break time for lactation, and of those, 81.1% stated that the break time is flexible (Lauer et al, 2019). However, 39.7% of respondents in the same study indicated they were unsure if their employer provides lactation break time. This underscores the importance for businesses to establish formal written policies and effectively communicate them to employees.

Physical Accommodations

The law mandates that employers provide reasonable and sufficient space for employees to express milk for up to one year after the child's birth. This space must be located within a

reasonable walking distance from the employee's worksite, unless otherwise agreed upon by both the employer and employee. The space cannot be a bathroom and must be clean, private, and free from intrusion. If the space is not dedicated solely to lactating mothers, it must be made available upon request. Ideally, the space should include a chair and an electrical outlet, if feasible.

While many businesses provide physical accommodations such as private lactation rooms, sinks, and refrigerators, space constraints hinder some from offering fully compliant lactation spaces. However, it is important to clarify that the law does not require businesses to provide a permanent, dedicated lactation space. Instead, the law mandates that businesses have a policy plan to create a sufficient lactation space should the need arise. The law stipulates that employees must provide at least two weeks' notice before needing lactation break accommodations, offering employers the flexibility to arrange for the required space.

While this provision offers businesses time to ensure appropriate space is available, the lack of formal planning in some businesses may leave them unprepared to meet the needs of lactating employees fully.

Survey results indicated that 64.5% of businesses reported having a dedicated, clean, private, and safe lactation space that is not a bathroom (Figure 5). Furthermore, 84.7% of businesses reported that a sink was available in the vicinity for cleaning pumping equipment (Figure 6), and 89.0% indicated that a refrigerator was provided for storing milk (Figure 7). However, in a prior survey, fewer lactating mothers were able to confirm the existence of a private space for expressing milk in the workplace, with 36.9% reporting the presence of such a space, 36.7% reporting its absence, and 26.4% unsure whether one existed.

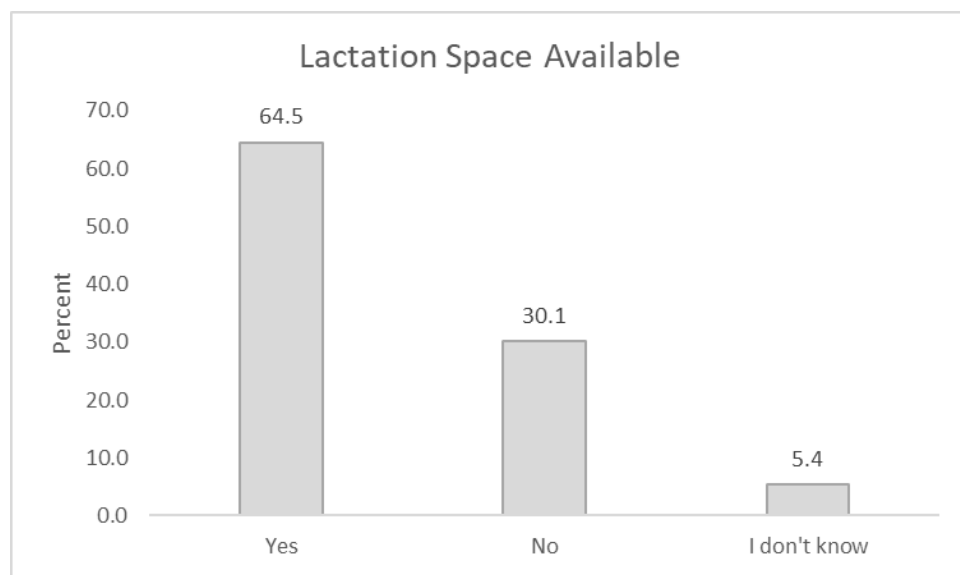


Figure 5 Lactation Space Available Other Than a Bathroom

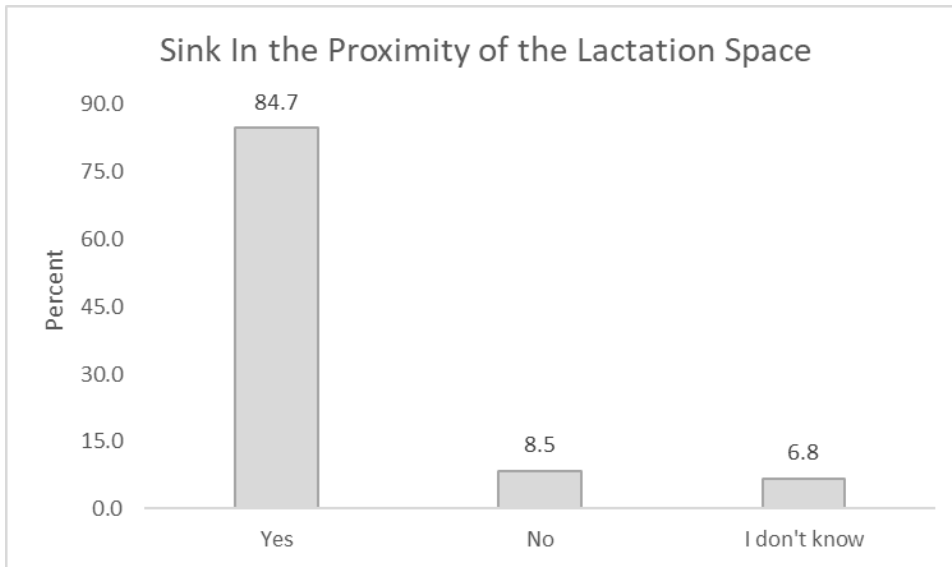


Figure 6 Sink in close proximity to the lactation space?

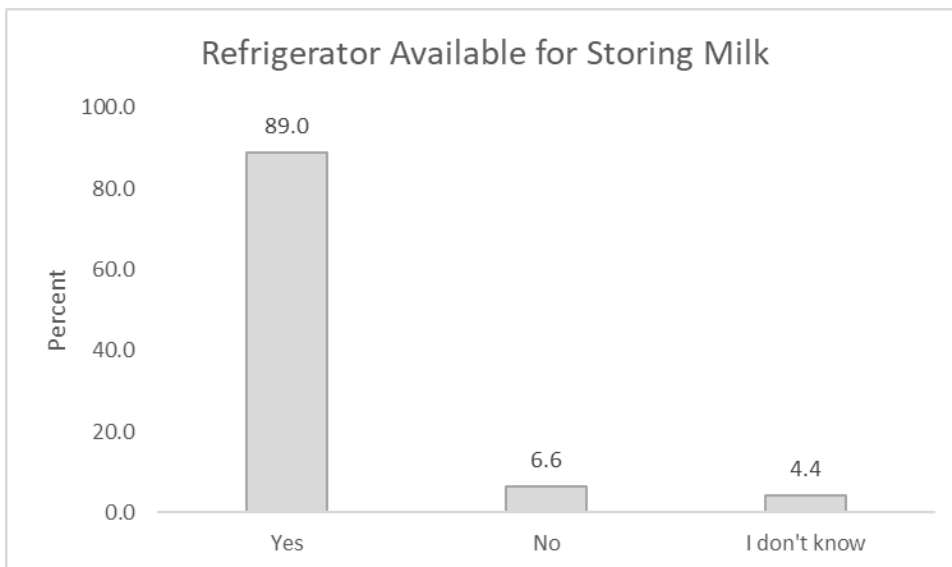


Figure 7 Refrigerator Available for Storing Milk

Perception of Barriers and Benefits

Businesses reported space limitations (47.6%) and low employee usage (15.9%) as the most significant barriers to effectively supporting lactating mothers in the workplace (Figure 8). However, it is important to note that 61.7% of businesses indicated they do not have a formal process in place to measure the effectiveness or utilization of their lactation support accommodations (Figure 9). Additionally, 71.3% of businesses reported they do not collect feedback or suggestions from employees regarding lactation support facilities (Figure 10). Furthermore, 43.4% of businesses expressed uncertainty about whether their workplace lactation support had an impact on employees' decisions to return to work and continue

breastfeeding (Figure 11). This lack of formal evaluation and employee input may contribute to the perception of barriers, as businesses may not have a clear understanding of whether their accommodations meet employees' needs or how to improve them, potentially leading to a misalignment between perceived support and actual employee experiences.

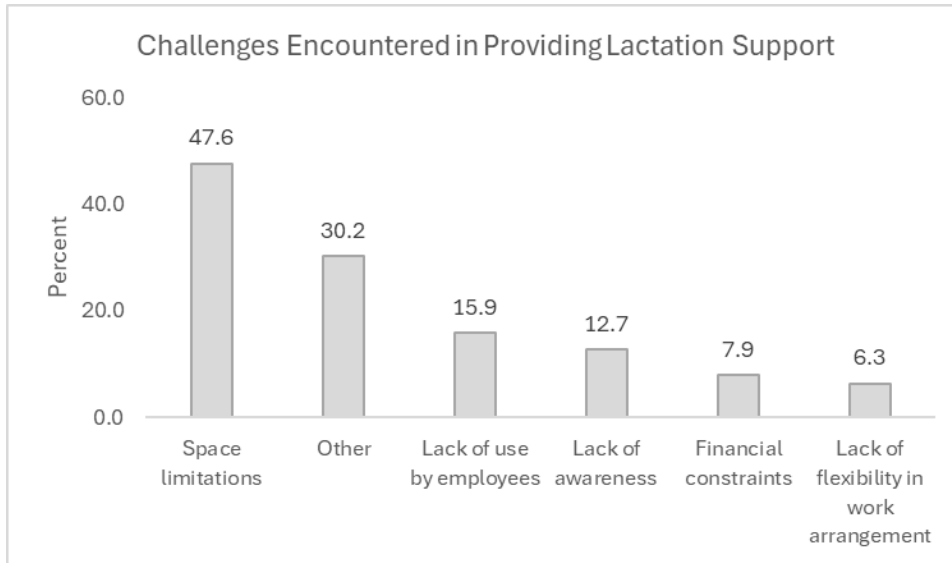


Figure 8 Employer Challenges to Providing Lactation Support

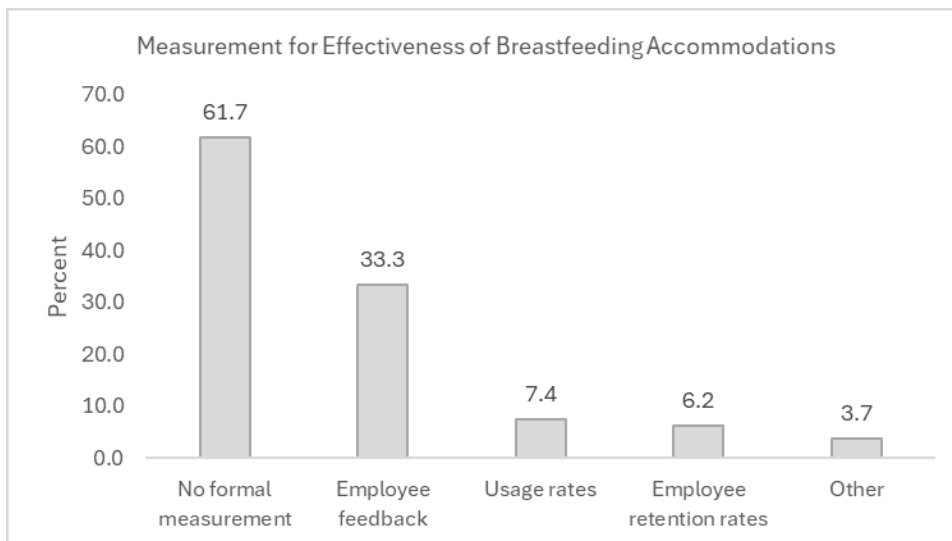


Figure 9 Employer Measurement for the Effectiveness of Workplace Accommodations

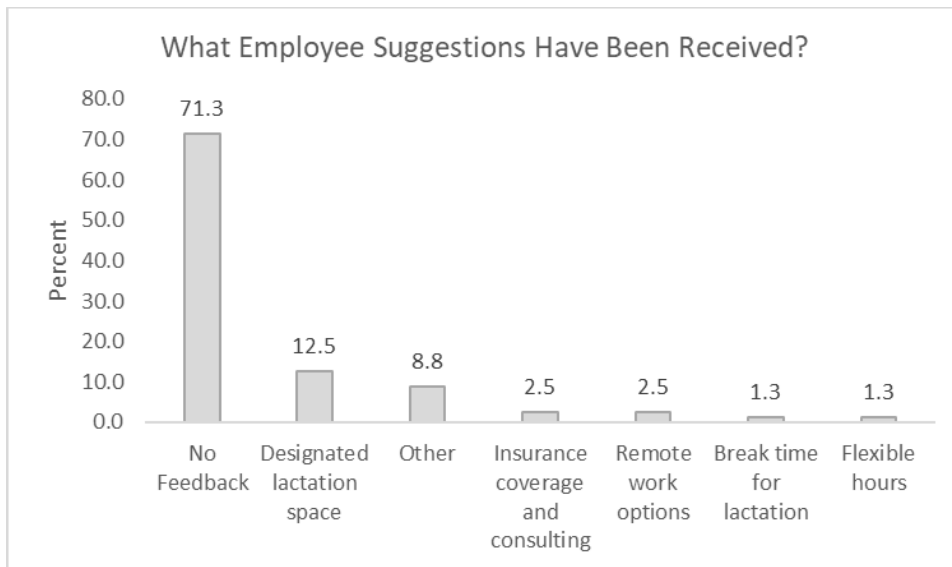


Figure 10 Employee Suggestions to Improve Lactation Support in the Workplace

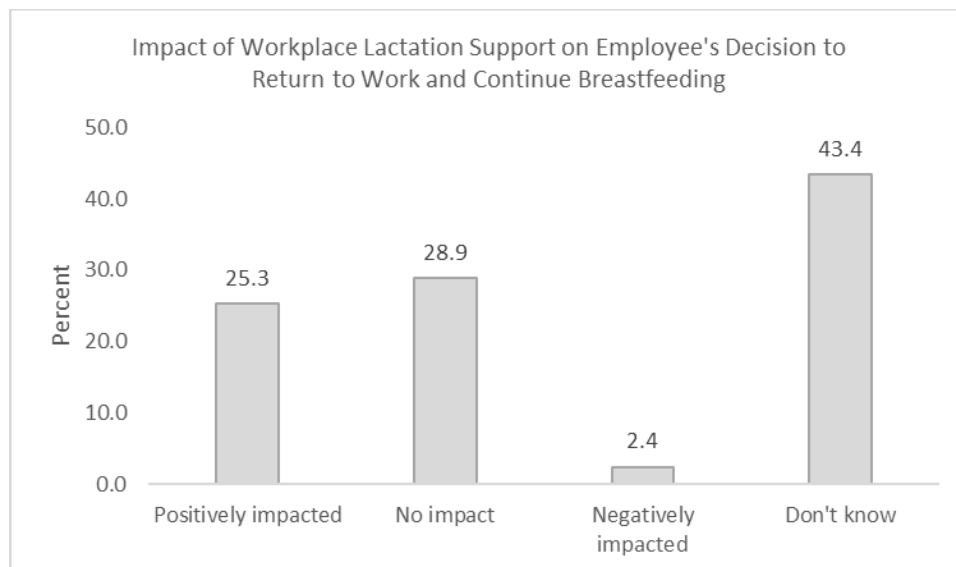


Figure 11 Impact of Workplace Lactation Support on Employee's Decision to Return to Work and Continue Breastfeeding

A substantial proportion of businesses (63.9%) reported feeling that their workplace is very supportive of working mothers, while 24.1% described their workplace as supportive (Figure 12). However, these perceptions appear to diverge from the reported experiences of mothers in the workforce. A 2017 study identified key factors that would have made it easier for mothers to pump at work, including flexible time and hours (36.0%), access to a private space for pumping (27%), a place to store breastmilk (20.0%), and a supportive supervisor (NH OHSP, 2017). In comparison, when asked about supervisor support, 48.8% of mothers felt their supervisor was supportive of their need to pump at work, 43.5% were unsure, and 7.6% reported unsupportive supervisors. Similarly, 49.2% of mothers reported that their co-workers were supportive, while 43.2% were unsure, and 7.6% indicated a lack of support from their colleagues.

Despite these discrepancies, the majority of businesses (79.5%) agreed that providing lactation support is important (Figure 13), and 54.3% expressed positive feelings about the upcoming regulations (Figure 14). This suggests that while businesses recognize the importance of supporting lactating mothers, there may still be gaps in the implementation and communication of support in the workplace.

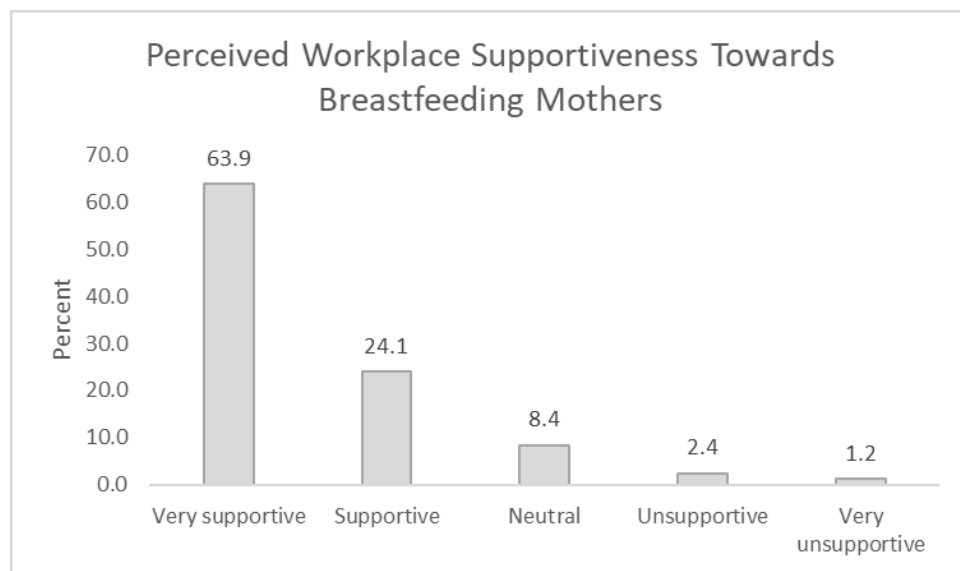


Figure 12 Perceived Workplace Supportiveness Towards Breastfeeding Mothers

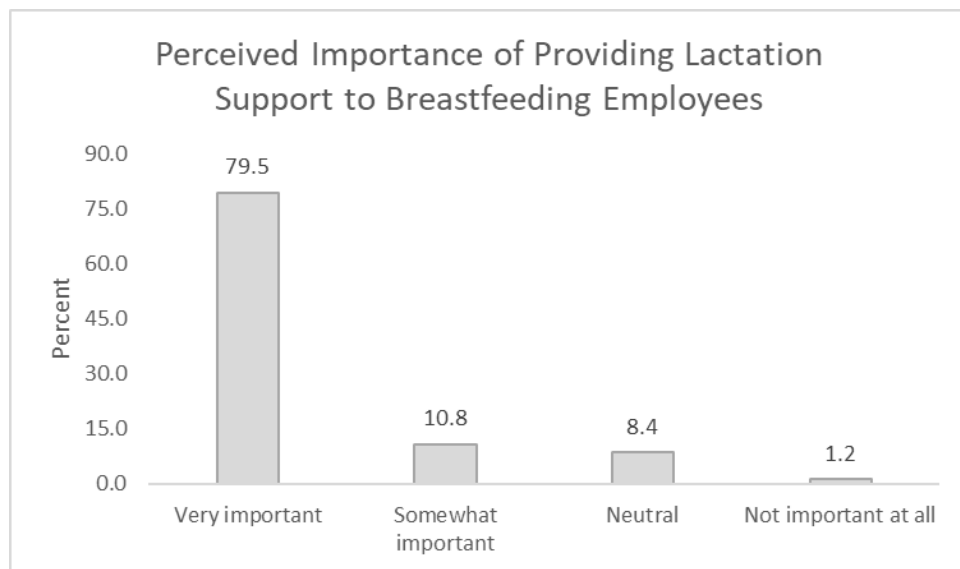


Figure 13 Perceived Importance of Providing Lactation Support to Breastfeeding Employees

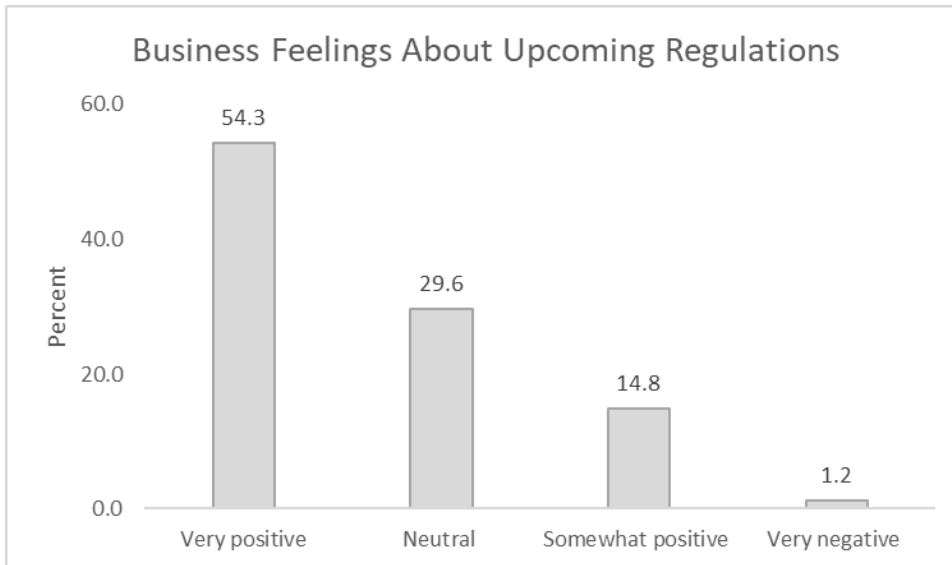


Figure 14 Business Feelings About Upcoming Regulations

Limitations

While this study provides valuable insights into the preparedness of New Hampshire businesses regarding lactation support, it is important to note that the sample size was limited. Due to this, there is insufficient data to conduct a meaningful analysis of responses by industry. A larger, randomized, stratified statewide sample with sufficient representation from various industries would be beneficial for further understanding the existence of current policies, the barriers businesses face, and addressing any knowledge gaps highlighted in the current survey results. Such a study would offer a more comprehensive view of lactation support practices across the state.

Resources

NH Breastfeeding Taskforce resource for employers: <https://www.nhbreastfeedingtaskforce.org/employers>

For help with employer programs, contact: nhbreastfeeding@gmail.com

References

- Lauer, E.A., Armenti, K., Henning, M., & Sirois, L. (2019). Identifying Barriers and Supports to Breastfeeding in the Workplace Experienced by Mothers in the New Hampshire Special Supplemental Nutrition Program for Women, Infants, and Children Utilizing the Total Worker Health Framework. *International Journal of Environmental Research and Public Health*, 16(259). <http://dx.doi.org/10.3390/ijerph16040529>
- New Hampshire Occupational Health Surveillance Program (NH OHSP) (2017). *Exploration of breastfeeding barriers associated with returning to work among women enrolled in the NH Special Supplemental Nutrition Program for Women, Infants and Children*. <https://iod.unh.edu/sites/default/files/media/2021-10/breastfeeding.pdf> , accessed on 3/27/2025.
- U.S. Bureau of Labor Statistics, News Release, Employment Characteristics of Families, 2023, for release April 24, 2024, at <https://www.bls.gov/news.release/pdf/famee.pdf>, accessed on 3/27/2024.
- U.S. Department of Labor PUMP Act. [FLSA Protections to Pump at Work | U.S. Department of Labor](#)