

Puerto Rico Enacts New Lactation Code, Expanding Employee Rights and Employer Obligations

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On August 1, 2025, Governor Jenniffer González Colón signed into law the Puerto Rico Lactation Code, Act No. 87-2025. This new law, which came into effect immediately, consolidates and replaces several prior laws that addressed lactation and breast milk extraction rights in the workplace (including Act No. 427-2000). While the new Code retained most of the provisions from the previous laws, it introduced significant changes that expand employee protections and impose new compliance obligations on private employers. Most notably these include:

- **All private-sector employees—regardless of full-time or part-time status or employer size—are now entitled to a minimum of one (1) hour of paid daily leave to breastfeed or express milk.** Unlike the prior law, the Code does not specify whether this leave period may be divided throughout the workday, nor does it allow a reduced leave period for part-time employees or small businesses.
- **Employees are no longer required to submit medical documentation** to make use of the lactation leave, simplifying the process and potentially encouraging employees to use the full one-year entitlement.
- Employers must provide a safe, private, and hygienic lactation space equipped with electricity, ventilation, a chair or armchair, **and a refrigerator exclusively for breast milk storage.** This requirement may present practical and financial challenges, particularly for smaller employers.
- The Code incorporates the most recent anti-discrimination and non-retaliation protections of the now repealed Act No. 29-2025, to prohibit employers from considering the employee's use of lactation breaks in performance evaluations, compensation decisions, or disciplinary actions.
- Both the Women's Advocate Office (WAO) and the Puerto Rico Department of Labor and Human Resources are authorized to investigate complaints, impose fines, and take enforcement actions. Aggrieved employees may also file claims in court or with the WAO, with potential remedies including double damages. Failure to comply with the Lactation Code may trigger both civil liability and criminal penalties.

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The changes introduced by the new Lactation Code, such as the repeal of a reduced leave period for part-time employees, the elimination of provisions allowing employees to take the one-hour leave continuously or intermittently, and the elimination of the medical certification requirement, may create operational and scheduling challenges for employers.

Employers are advised to consult with counsel and update their employee handbooks and internal policies to ensure compliance with the new Lactation Code and other federal laws, including the PUMP Act and the Pregnant Workers Fairness Act, which provide overlapping but distinct protections to those afforded under the new Lactation Code.

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