

BREAKING NEWS

LABOR & EMPLOYMENT

New Lactation Code is enacted to provide more benefits for working mothers and to establish public policy in favor of Breastfeeding

On August 1, 2025, the Governor of Puerto Rico, Hon. Jeniffer A. González Colón, enacted Law 87-2025, known as the “Puerto Rico Lactation Code” (“Law 87-2025”). This new Code consolidates several existing laws and regulations relating to lactation and breastmilk extraction in Puerto Rico and establishes a clear public policy in favor of breastfeeding in Puerto Rico.

Specifically, with respect to working mothers, Law 87-2025 provides that private sector employers must:

- Grant a working mother at least one (1) hour during their work shift to breastfeed or extract milk for a period one (1) year after returning to work from her maternity leave. The breastfeeding time is to be considered time worked and must be compensated. Also, the schedule for breastfeeding or pumping breastmilk must be agreed upon between the employee and the employer and may not be changed without the express consent of both parties.
- Provide a secure, private and clean lactation room with a sink, electric outlets, ventilation, chair or armchair and a refrigerator to be used exclusively for the breastmilk.

- Provide notice to working mothers of their rights and benefits pursuant to Law 87-2025.

In addition, Law No. 87-2025 prohibits employers from:

- using the lactation/breast milk extraction period as an efficiency criterion when evaluating the performance and/or productivity of nursing mothers and/or when considering her for a raise, promotion or bonus;
- considering the use of the lactation/breastmilk extraction period to issue unfavorable evaluations to an employee or take any adverse employment action against her;
- reducing the nursing mother’s workday, reclassifying her job position, and/or changing her work schedule;
- requiring a nursing mother to make up the time spent using her lactation/breastmilk extraction period;
- discriminating against or taking any adverse employment action against nursing mothers based on the use of the lactation period; and/or
- hindering nursing mothers from exercising their rights.



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Important changes under Law 87-2025

Law 87-2025 established two (2) important changes, namely: (i) that working mothers are no longer required to provide medical certifications to their employers to be eligible to enjoy the lactation/breastmilk extraction period under Law 87-2025 or other related benefits; and (ii) both part-time and full-time working mothers are eligible to enjoy a one (1) hour lactation period.

Previously, employees who worked at least 7.5 hours a day were entitled to one (1) hour of paid leave each day to breastfeed or extract breastmilk, while nursing mothers who worked between 4 and 7.5 hours were entitled to a 30-minute paid period to nurse or pump milk.

What Should Employers Do?

- Amend and/or modify their manuals, policies, procedures, and regulations to comply with this new law and notify employees of the changes brought about by Law 87-2025.
- Train management and other supervisory personnel regarding the new law and its implications, to ensure compliance with the Law.
- Provide notice to working mothers regarding Law 87-2025 and their rights under the same.

Should you have any additional questions or require legal advice regarding this law or any other matter, feel free to contact us at (787) 945-0380.