

# ASSEMBLY, No. 4704

## STATE OF NEW JERSEY

### 222nd LEGISLATURE

INTRODUCED MARCH 16, 2026

**Sponsored by:**

**Assemblywoman SHANIQUE SPEIGHT  
District 29 (Essex and Hudson)**

**Co-Sponsored by:**

**Assemblyman Venezia and Assemblywoman Morales**

**SYNOPSIS**

Requires employer to provide certain accommodations to employee who is breast feeding.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/19/2026)**

1 AN ACT concerning protections provided to employees who are  
2 breast feeding children and amending P.L.1945, c.169.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to read  
8 as follows:

9 11. It shall be an unlawful employment practice, or, as the case  
10 may be, an unlawful discrimination:

11 a. For an employer, because of the race, creed, color, national  
12 origin, ancestry, age, marital status, civil union status, domestic  
13 partnership status, affectional or sexual orientation, genetic  
14 information, pregnancy or breastfeeding, sex, gender identity or  
15 expression, disability or atypical hereditary cellular or blood trait of  
16 any individual, or because of the liability for service in the Armed  
17 Forces of the United States or the nationality of any individual, or  
18 because of the refusal to submit to a genetic test or make available  
19 the results of a genetic test to an employer, to refuse to hire or employ  
20 or to bar or to discharge or require to retire, unless justified by lawful  
21 considerations other than age, from employment such individual or  
22 to discriminate against such individual in compensation or in terms,  
23 conditions or privileges of employment; provided, however, it shall  
24 not be an unlawful employment practice to refuse to accept for  
25 employment an applicant who has received a notice of induction or  
26 orders to report for active duty in the armed forces; provided further  
27 that nothing herein contained shall be construed to bar an employer  
28 from refusing to accept for employment any person on the basis of  
29 sex in those certain circumstances where sex is a bona fide  
30 occupational qualification, reasonably necessary to the normal  
31 operation of the particular business or enterprise; provided further  
32 that it shall not be an unlawful employment practice for a club  
33 exclusively social or fraternal to use club membership as a uniform  
34 qualification for employment, or for a religious association or  
35 organization to utilize religious affiliation as a uniform qualification  
36 in the employment of clergy, religious teachers or other employees  
37 engaged in the religious activities of the association or organization,  
38 or in following the tenets of its religion in establishing and utilizing  
39 criteria for employment of an employee; provided further, that it shall  
40 not be an unlawful employment practice to require the retirement of  
41 any employee who, for the two-year period immediately before  
42 retirement, is employed in a bona fide executive or a high policy-  
43 making position, if that employee is entitled to an immediate non-  
44 forfeitable annual retirement benefit from a pension, profit sharing,  
45 savings or deferred retirement plan, or any combination of those

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 plans, of the employer of that employee which equals in the aggregate  
2 at least \$27,000.00; and provided further that an employer may  
3 restrict employment to citizens of the United States where such  
4 restriction is required by federal law or is otherwise necessary to  
5 protect the national interest.

6 The provisions of subsections a. and b. of section 57 of P.L.2003,  
7 c.246 (C.34:11A-20), and the provisions of section 58 of P.L.2003,  
8 c.246 (C.26:8A-11), shall not be deemed to be an unlawful  
9 discrimination under P.L.1945, c.169 (C.10:5-1 et seq.).

10 For the purposes of this subsection, a "bona fide executive" is a  
11 top level employee who exercises substantial executive authority  
12 over a significant number of employees and a large volume of  
13 business. A "high policy-making position" is a position in which a  
14 person plays a significant role in developing policy and in  
15 recommending the implementation thereof.

16 For the purposes of this subsection, an unlawful employment  
17 practice occurs, with respect to discrimination in compensation or in  
18 the financial terms or conditions of employment, each occasion that  
19 an individual is affected by application of a discriminatory  
20 compensation decision or other practice, including, but not limited  
21 to, each occasion that wages, benefits, or other compensation are  
22 paid, resulting in whole or in part from the decision or other practice.

23 In addition to any other relief authorized by the "Law Against  
24 Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.) for  
25 discrimination in compensation or in the financial terms or conditions  
26 of employment, liability shall accrue and an aggrieved person may  
27 obtain relief for back pay for the entire period of time, except not  
28 more than six years, in which the violation with regard to  
29 discrimination in compensation or in the financial terms or conditions  
30 of employment has been continuous, if the violation continues to  
31 occur within the statute of limitations.

32 Nothing in this subsection shall prohibit the application of the  
33 doctrine of "continuing violation" or the "discovery rule" to any  
34 appropriate claim as those doctrines currently exist in New Jersey  
35 common law. It shall be an unlawful employment practice to require  
36 employees or prospective employees to consent to a shortened statute  
37 of limitations or to waive any of the protections provided by the "Law  
38 Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

39 b. For a labor organization, because of the race, creed, color,  
40 national origin, ancestry, age, marital status, civil union status,  
41 domestic partnership status, affectional or sexual orientation, gender  
42 identity or expression, disability, pregnancy or breastfeeding, or sex  
43 of any individual, or because of the liability for service in the Armed  
44 Forces of the United States or nationality of any individual, to  
45 exclude or to expel from its membership such individual or to  
46 discriminate in any way against any of its members, against any  
47 applicant for, or individual included in, any apprentice or other  
48 training program or against any employer or any individual employed

1 by an employer; provided, however, that nothing herein contained  
2 shall be construed to bar a labor organization from excluding from  
3 its apprentice or other training programs any person on the basis of  
4 sex in those certain circumstances where sex is a bona fide  
5 occupational qualification reasonably necessary to the normal  
6 operation of the particular apprentice or other training program.

7 c. For any employer or employment agency to print or circulate  
8 or cause to be printed or circulated any statement, advertisement or  
9 publication, or to use any form of application for employment, or to  
10 make an inquiry in connection with prospective employment, which  
11 expresses, directly or indirectly, any limitation, specification or  
12 discrimination as to race, creed, color, national origin, ancestry, age,  
13 marital status, civil union status, domestic partnership status,  
14 affectional or sexual orientation, gender identity or expression,  
15 disability, nationality, pregnancy or breastfeeding, or sex or liability  
16 of any applicant for employment for service in the Armed Forces of  
17 the United States, or any intent to make any such limitation,  
18 specification or discrimination, unless based upon a bona fide  
19 occupational qualification.

20 d. For any person to take reprisals against any person because  
21 that person has opposed any practices or acts forbidden under this act  
22 or because that person has sought legal advice regarding rights under  
23 this act, shared relevant information with legal counsel, shared  
24 information with a governmental entity, or filed a complaint, testified  
25 or assisted in any proceeding under this act or to coerce, intimidate,  
26 threaten or interfere with any person in the exercise or enjoyment of,  
27 or on account of that person having aided or encouraged any other  
28 person in the exercise or enjoyment of, any right granted or protected  
29 by this act.

30 e. For any person, whether an employer or an employee or not,  
31 to aid, abet, incite, compel or coerce the doing of any of the acts  
32 forbidden under this act, or to attempt to do so.

33 f. (1) For any owner, lessee, proprietor, manager,  
34 superintendent, agent, or employee of any place of public  
35 accommodation directly or indirectly to refuse, withhold from or  
36 deny to any person any of the accommodations, advantages, facilities  
37 or privileges thereof, or to discriminate against any person in the  
38 furnishing thereof, or directly or indirectly to publish, circulate,  
39 issue, display, post or mail any written or printed communication,  
40 notice, or advertisement to the effect that any of the accommodations,  
41 advantages, facilities, or privileges of any such place will be refused,  
42 withheld from, or denied to any person on account of the race, creed,  
43 color, national origin, ancestry, marital status, civil union status,  
44 domestic partnership status, pregnancy or breastfeeding, sex, gender  
45 identity or expression, affectional or sexual orientation, disability,  
46 liability for service in the Armed Forces of the United States or  
47 nationality of such person, or that the patronage or custom thereof of  
48 any person of any particular race, creed, color, national origin,

1 ancestry, marital status, civil union status, domestic partnership  
2 status, pregnancy or breastfeeding status, sex, gender identity or  
3 expression, affectional or sexual orientation, disability, liability for  
4 service in the Armed Forces of the United States or nationality is  
5 unwelcome, objectionable or not acceptable, desired or solicited, and  
6 the production of any such written or printed communication, notice  
7 or advertisement, purporting to relate to any such place and to be  
8 made by any owner, lessee, proprietor, superintendent or manager  
9 thereof, shall be presumptive evidence in any action that the same  
10 was authorized by such person; provided, however, that nothing  
11 contained herein shall be construed to bar any place of public  
12 accommodation which is in its nature reasonably restricted  
13 exclusively to individuals of one sex, and which shall include but not  
14 be limited to any summer camp, day camp, or resort camp, bathhouse,  
15 dressing room, swimming pool, gymnasium, comfort station,  
16 dispensary, clinic or hospital, or school or educational institution  
17 which is restricted exclusively to individuals of one sex, provided  
18 individuals shall be admitted based on their gender identity or  
19 expression, from refusing, withholding from or denying to any  
20 individual of the opposite sex any of the accommodations,  
21 advantages, facilities or privileges thereof on the basis of sex;  
22 provided further, that the foregoing limitation shall not apply to any  
23 restaurant as defined in R.S.33:1-1 or place where alcoholic  
24 beverages are served.

25 (2) Notwithstanding the definition of "a place of public  
26 accommodation" as set forth in subsection l. of section 5 of P.L.1945,  
27 c.169 (C.10:5-5), for any owner, lessee, proprietor, manager,  
28 superintendent, agent, or employee of any private club or association  
29 to directly or indirectly refuse, withhold from or deny to any  
30 individual who has been accepted as a club member and has  
31 contracted for or is otherwise entitled to full club membership any of  
32 the accommodations, advantages, facilities or privileges thereof, or  
33 to discriminate against any member in the furnishing thereof on  
34 account of the race, creed, color, national origin, ancestry, marital  
35 status, civil union status, domestic partnership status, pregnancy or  
36 breastfeeding, sex, gender identity, or expression, affectional or  
37 sexual orientation, disability, liability for service in the Armed  
38 Forces of the United States or nationality of such person.

39 In addition to the penalties otherwise provided for a violation of  
40 P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2) of  
41 subsection f. of this section is the holder of an alcoholic beverage  
42 license issued under the provisions of R.S.33:1-12 for that private  
43 club or association, the matter shall be referred to the Director of the  
44 Division of Alcoholic Beverage Control who shall impose an  
45 appropriate penalty in accordance with the procedures set forth in  
46 R.S.33:1-31.

47 g. For any person, including but not limited to, any owner,  
48 lessee, sublessee, assignee or managing agent of, or other person

1 having the right of ownership or possession of or the right to sell,  
2 rent, lease, assign, or sublease any real property or part or portion  
3 thereof, or any agent or employee of any of these:

4 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise  
5 to deny to or withhold from any person or group of persons any real  
6 property or part or portion thereof because of race, creed, color,  
7 national origin, ancestry, marital status, civil union status, domestic  
8 partnership status, pregnancy or breastfeeding, sex, gender identity  
9 or expression, affectional or sexual orientation, familial status,  
10 disability, liability for service in the Armed Forces of the United  
11 States, nationality, or source of lawful income used for rental or  
12 mortgage payments;

13 (2) To discriminate against any person or group of persons  
14 because of race, creed, color, national origin, ancestry, marital status,  
15 civil union status, domestic partnership status, pregnancy or  
16 breastfeeding, sex, gender identity or expression, affectional or  
17 sexual orientation, familial status, disability, liability for service in  
18 the Armed Forces of the United States, nationality or source of lawful  
19 income used for rental or mortgage payments in the terms, conditions  
20 or privileges of the sale, rental or lease of any real property or part or  
21 portion thereof or in the furnishing of facilities or services in  
22 connection therewith;

23 (3) To print, publish, circulate, issue, display, post or mail, or  
24 cause to be printed, published, circulated, issued, displayed, posted  
25 or mailed any statement, advertisement, publication or sign, or to use  
26 any form of application for the purchase, rental, lease, assignment or  
27 sublease of any real property or part or portion thereof, or to make  
28 any record or inquiry in connection with the prospective purchase,  
29 rental, lease, assignment, or sublease of any real property, or part or  
30 portion thereof which expresses, directly or indirectly, any limitation,  
31 specification or discrimination as to race, creed, color, national  
32 origin, ancestry, marital status, civil union status, domestic  
33 partnership status, pregnancy or breastfeeding, sex, gender identity,  
34 or expression, affectional or sexual orientation, familial status,  
35 disability, liability for service in the Armed Forces of the United  
36 States, nationality, or source of lawful income used for rental or  
37 mortgage payments, or any intent to make any such limitation,  
38 specification or discrimination, and the production of any such  
39 statement, advertisement, publicity, sign, form of application, record,  
40 or inquiry purporting to be made by any such person shall be  
41 presumptive evidence in any action that the same was authorized by  
42 such person; provided, however, that nothing contained in this  
43 subsection shall be construed to bar any person from refusing to sell,  
44 rent, lease, assign or sublease or from advertising or recording a  
45 qualification as to sex for any room, apartment, flat in a dwelling or  
46 residential facility which is planned exclusively for and occupied by  
47 individuals of one sex to any individual of the exclusively opposite

1 sex on the basis of sex provided individuals shall be qualified based  
2 on their gender identity or expression;

3 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
4 to deny to or withhold from any person or group of persons any real  
5 property or part or portion thereof because of the source of any lawful  
6 income received by the person or the source of any lawful rent  
7 payment to be paid for the real property; or

8 (5) To refuse to rent or lease any real property to another person  
9 because that person's family includes children under 18 years of age,  
10 or to make an agreement, rental or lease of any real property which  
11 provides that the agreement, rental or lease shall be rendered null and  
12 void upon the birth of a child. This paragraph shall not apply to  
13 housing for older persons as defined in subsection mm. of section 5  
14 of P.L.1945, c.169 (C.10:5-5).

15 h. For any person, including but not limited to, any real estate  
16 broker, real estate salesperson, or employee or agent thereof:

17 (1) To refuse to sell, rent, assign, lease or sublease, or offer for  
18 sale, rental, lease, assignment, or sublease any real property or part  
19 or portion thereof to any person or group of persons or to refuse to  
20 negotiate for the sale, rental, lease, assignment, or sublease of any  
21 real property or part or portion thereof to any person or group of  
22 persons because of race, creed, color, national origin, ancestry,  
23 marital status, civil union status, domestic partnership status, familial  
24 status, pregnancy or breastfeeding, sex, gender identity or  
25 expression, affectional or sexual orientation, liability for service in  
26 the Armed Forces of the United States, disability, nationality, or  
27 source of lawful income used for rental or mortgage payments, or to  
28 represent that any real property or portion thereof is not available for  
29 inspection, sale, rental, lease, assignment, or sublease when in fact it  
30 is so available, or otherwise to deny or withhold any real property or  
31 any part or portion of facilities thereof to or from any person or group  
32 of persons because of race, creed, color, national origin, ancestry,  
33 marital status, civil union status, domestic partnership status, familial  
34 status, pregnancy or breastfeeding, sex, gender identity or  
35 expression, affectional or sexual orientation, disability, liability for  
36 service in the Armed Forces of the United States, or nationality;

37 (2) To discriminate against any person because of race, creed,  
38 color, national origin, ancestry, marital status, civil union status,  
39 domestic partnership status, familial status, pregnancy or  
40 breastfeeding, sex, gender identity or expression, affectional or  
41 sexual orientation, disability, liability for service in the Armed  
42 Forces of the United States, nationality, or source of lawful income  
43 used for rental or mortgage payments in the terms, conditions or  
44 privileges of the sale, rental, lease, assignment or sublease of any real  
45 property or part or portion thereof or in the furnishing of facilities or  
46 services in connection therewith;

47 (3) To print, publish, circulate, issue, display, post, or mail, or  
48 cause to be printed, published, circulated, issued, displayed, posted

1 or mailed any statement, advertisement, publication or sign, or to use  
2 any form of application for the purchase, rental, lease, assignment, or  
3 sublease of any real property or part or portion thereof or to make  
4 any record or inquiry in connection with the prospective purchase,  
5 rental, lease, assignment, or sublease of any real property or part or  
6 portion thereof which expresses, directly or indirectly, any limitation,  
7 specification or discrimination as to race, creed, color, national  
8 origin, ancestry, marital status, civil union status, domestic  
9 partnership status, familial status, pregnancy or breastfeeding, sex,  
10 gender identity or expression, affectional or sexual orientation,  
11 disability, liability for service in the Armed Forces of the United  
12 States, nationality, or source of lawful income used for rental or  
13 mortgage payments or any intent to make any such limitation,  
14 specification or discrimination, and the production of any such  
15 statement, advertisement, publicity, sign, form of application, record,  
16 or inquiry purporting to be made by any such person shall be  
17 presumptive evidence in any action that the same was authorized by  
18 such person; provided, however, that nothing contained in this  
19 subsection h., shall be construed to bar any person from refusing to  
20 sell, rent, lease, assign or sublease or from advertising or recording a  
21 qualification as to sex for any room, apartment, flat in a dwelling or  
22 residential facility which is planned exclusively for and occupied  
23 exclusively by individuals of one sex to any individual of the  
24 opposite sex on the basis of sex, provided individuals shall be  
25 qualified based on their gender identity or expression;

26 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
27 to deny to or withhold from any person or group of persons any real  
28 property or part or portion thereof because of the source of any lawful  
29 income received by the person or the source of any lawful rent  
30 payment to be paid for the real property; or

31 (5) To refuse to rent or lease any real property to another person  
32 because that person's family includes children under 18 years of age,  
33 or to make an agreement, rental or lease of any real property which  
34 provides that the agreement, rental or lease shall be rendered null and  
35 void upon the birth of a child. This paragraph shall not apply to  
36 housing for older persons as defined in subsection mm. of section 5  
37 of P.L.1945, c.169 (C.10:5-5).

38 i. For any person, bank, banking organization, mortgage  
39 company, insurance company or other financial institution, lender or  
40 credit institution involved in the making or purchasing of any loan or  
41 extension of credit, for whatever purpose, whether secured by  
42 residential real estate or not, including but not limited to financial  
43 assistance for the purchase, acquisition, construction, rehabilitation,  
44 repair or maintenance of any real property or part or portion thereof  
45 or any agent or employee thereof:

46 (1) To discriminate against any person or group of persons  
47 because of race, creed, color, national origin, ancestry, marital status,  
48 civil union status, domestic partnership status, pregnancy or

1 breastfeeding, sex, gender identity or expression, affectional or  
2 sexual orientation, disability, liability for service in the Armed  
3 Forces of the United States, familial status or nationality, in the  
4 granting, withholding, extending, modifying, renewing, or  
5 purchasing, or in the fixing of the rates, terms, conditions or  
6 provisions of any such loan, extension of credit or financial  
7 assistance or purchase thereof or in the extension of services in  
8 connection therewith;

9 (2) To use any form of application for such loan, extension of  
10 credit or financial assistance or to make record or inquiry in  
11 connection with applications for any such loan, extension of credit or  
12 financial assistance which expresses, directly or indirectly, any  
13 limitation, specification or discrimination as to race, creed, color,  
14 national origin, ancestry, marital status, civil union status, domestic  
15 partnership status, pregnancy or breastfeeding, sex, gender identity  
16 or expression, affectional or sexual orientation, disability, liability  
17 for service in the Armed Forces of the United States, familial status  
18 or nationality or any intent to make any such limitation, specification  
19 or discrimination; unless otherwise required by law or regulation to  
20 retain or use such information;

21 (3) (Deleted by amendment, P.L.2003, c.180).

22 (4) To discriminate against any person or group of persons  
23 because of the source of any lawful income received by the person or  
24 the source of any lawful rent payment to be paid for the real property;  
25 or

26 (5) To discriminate against any person or group of persons  
27 because that person's family includes children under 18 years of age,  
28 or to make an agreement or mortgage which provides that the  
29 agreement or mortgage shall be rendered null and void upon the birth  
30 of a child. This paragraph shall not apply to housing for older persons  
31 as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-  
32 5).

33 j. For any person whose activities are included within the scope  
34 of this act to refuse to post or display such notices concerning the  
35 rights or responsibilities of persons affected by this act as the  
36 Attorney General may by regulation require.

37 k. For any real estate broker, real estate salesperson or employee  
38 or agent thereof or any other individual, corporation, partnership, or  
39 organization, for the purpose of inducing a transaction for the sale or  
40 rental of real property from which transaction such person or any of  
41 its members may benefit financially, to represent that a change has  
42 occurred or will or may occur in the composition with respect to race,  
43 creed, color, national origin, ancestry, marital status, civil union  
44 status, domestic partnership status, familial status, pregnancy or  
45 breastfeeding, sex, gender identity or expression, affectional or  
46 sexual orientation, disability, liability for service in the Armed  
47 Forces of the United States, nationality, or source of lawful income  
48 used for rental or mortgage payments of the owners or occupants in

1 the block, neighborhood or area in which the real property is located,  
2 and to represent, directly or indirectly, that this change will or may  
3 result in undesirable consequences in the block, neighborhood or area  
4 in which the real property is located, including, but not limited to the  
5 lowering of property values, an increase in criminal or anti-social  
6 behavior, or a decline in the quality of schools or other facilities.

7 1. For any person to refuse to buy from, sell to, lease from or to,  
8 license, contract with, or trade with, provide goods, services or  
9 information to, or otherwise do business with any other person on the  
10 basis of the race, creed, color, national origin, ancestry, age,  
11 pregnancy or breastfeeding, sex, gender identity or expression,  
12 affectional or sexual orientation, marital status, civil union status,  
13 domestic partnership status, liability for service in the Armed Forces  
14 of the United States, disability, nationality, or source of lawful  
15 income used for rental or mortgage payments of such other person or  
16 of such other person's family members, partners, members,  
17 stockholders, directors, officers, managers, superintendents, agents,  
18 employees, business associates, suppliers, or customers. This  
19 subsection shall not prohibit refusals or other actions (1) pertaining  
20 to employee-employer collective bargaining, labor disputes, or unfair  
21 labor practices, or (2) made or taken in connection with a protest of  
22 unlawful discrimination or unlawful employment practices.

23 m. For any person to:

24 (1) Grant or accept any letter of credit or other document which  
25 evidences the transfer of funds or credit, or enter into any contract  
26 for the exchange of goods or services, where the letter of credit,  
27 contract, or other document contains any provisions requiring any  
28 person to discriminate against or to certify that he, she or it has not  
29 dealt with any other person on the basis of the race, creed, color,  
30 national origin, ancestry, age, pregnancy or breastfeeding, sex,  
31 gender identity or expression, affectional or sexual orientation,  
32 marital status, civil union status, domestic partnership status,  
33 disability, liability for service in the Armed Forces of the United  
34 States, or nationality of such other person or of such other person's  
35 family members, partners, members, stockholders, directors,  
36 officers, managers, superintendents, agents, employees, business  
37 associates, suppliers, or customers.

38 (2) Refuse to grant or accept any letter of credit or other  
39 document which evidences the transfer of funds or credit, or refuse  
40 to enter into any contract for the exchange of goods or services, on  
41 the ground that it does not contain such a discriminatory provision or  
42 certification.

43 The provisions of this subsection shall not apply to any letter of  
44 credit, contract, or other document which contains any provision  
45 pertaining to employee-employer collective bargaining, a labor  
46 dispute or an unfair labor practice, or made in connection with the  
47 protest of unlawful discrimination or an unlawful employment  
48 practice, if the other provisions of such letter of credit, contract, or

1 other document do not otherwise violate the provisions of this  
2 subsection.

3 n. For any person to aid, abet, incite, compel, coerce, or induce  
4 the doing of any act forbidden by subsections l. and m. of section 11  
5 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to do so.  
6 Such prohibited conduct shall include, but not be limited to:

7 (1) Buying from, selling to, leasing from or to, licensing,  
8 contracting with, trading with, providing goods, services, or  
9 information to, or otherwise doing business with any person because  
10 that person does, or agrees or attempts to do, any such act or any act  
11 prohibited by this subsection; or

12 (2) Boycotting, commercially blacklisting or refusing to buy  
13 from, sell to, lease from or to, license, contract with, provide goods,  
14 services or information to, or otherwise do business with any person  
15 because that person has not done or refuses to do any such act or any  
16 act prohibited by this subsection; provided that this subsection shall  
17 not prohibit refusals or other actions either pertaining to employee-  
18 employer collective bargaining, labor disputes, or unfair labor  
19 practices, or made or taken in connection with a protest of unlawful  
20 discrimination or unlawful employment practices.

21 o. For any multiple listing service, real estate brokers'  
22 organization or other service, organization or facility related to the  
23 business of selling or renting dwellings to deny any person access to  
24 or membership or participation in such organization, or to  
25 discriminate against such person in the terms or conditions of such  
26 access, membership, or participation, on account of race, creed,  
27 color, national origin, ancestry, age, marital status, civil union status,  
28 domestic partnership status, familial status, pregnancy or  
29 breastfeeding, sex, gender identity or expression, affectional or  
30 sexual orientation, disability, liability for service in the Armed  
31 Forces of the United States or nationality.

32 p. Nothing in the provisions of this section shall affect the ability  
33 of an employer to require employees to adhere to reasonable  
34 workplace appearance, grooming and dress standards not precluded  
35 by other provisions of State or federal law, except that an employer  
36 shall allow an employee to appear, groom and dress consistent with  
37 the employee's gender identity or expression.

38 q. (1) For any employer to impose upon a person as a condition  
39 of obtaining or retaining employment, including opportunities for  
40 promotion, advancement or transfers, any terms or conditions that  
41 would require a person to violate or forego a sincerely held religious  
42 practice or religious observance, including but not limited to the  
43 observance of any particular day or days or any portion thereof as a  
44 Sabbath or other holy day in accordance with the requirements of the  
45 religion or religious belief, unless, after engaging in a bona fide  
46 effort, the employer demonstrates that it is unable to reasonably  
47 accommodate the employee's religious observance or practice  
48 without undue hardship on the conduct of the employer's business.

1 Notwithstanding any other provision of law to the contrary, an  
2 employee shall not be entitled to premium wages or premium benefits  
3 for work performed during hours to which those premium wages or  
4 premium benefits would ordinarily be applicable, if the employee is  
5 working during those hours only as an accommodation to his  
6 religious requirements. Nothing in this subsection q. shall be  
7 construed as reducing:

8 (a) The number of the hours worked by the employee which are  
9 counted towards the accruing of seniority, pension or other benefits;  
10 or

11 (b) Any premium wages or benefits provided to an employee  
12 pursuant to a collective bargaining agreement.

13 (2) For an employer to refuse to permit an employee to utilize  
14 leave, as provided for in this subsection q., which is solely used to  
15 accommodate the employee's sincerely held religious observance or  
16 practice. Except where it would cause an employer to incur an undue  
17 hardship, no person shall be required to remain at his place of  
18 employment during any day or days or portion thereof that, as a  
19 requirement of his religion, he observes as his Sabbath or other holy  
20 day, including a reasonable time prior and subsequent thereto for  
21 travel between his place of employment and his home; provided that  
22 any such absence from work shall, wherever practicable in the  
23 reasonable judgment of the employer, be made up by an equivalent  
24 amount of time and work at some other mutually convenient time, or  
25 shall be charged against any leave with pay ordinarily granted, other  
26 than sick leave, and any such absence not so made up or charged,  
27 may be treated by the employer of that person as leave taken without  
28 pay.

29 (3) (a) For purposes of this subsection q., "undue hardship" means  
30 an accommodation requiring unreasonable expense or difficulty,  
31 unreasonable interference with the safe or efficient operation of the  
32 workplace or a violation of a bona fide seniority system or a violation  
33 of any provision of a bona fide collective bargaining agreement.

34 (b) In determining whether the accommodation constitutes an  
35 undue hardship, the factors considered shall include:

36 (i) The identifiable cost of the accommodation, including the  
37 costs of loss of productivity and of retaining or hiring employees or  
38 transferring employees from one facility to another, in relation to the  
39 size and operating cost of the employer.

40 (ii) The number of individuals who will need the particular  
41 accommodation for a sincerely held religious observance or practice.

42 (iii) For an employer with multiple facilities, the degree to which  
43 the geographic separateness or administrative or fiscal relationship  
44 of the facilities will make the accommodation more difficult or  
45 expensive.

46 (c) An accommodation shall be considered to constitute an undue  
47 hardship if it will result in the inability of an employee to perform  
48 the essential functions of the position in which he or she is employed.

1 (d) (i) The provisions of this subsection q. shall be applicable  
2 only to reasonable accommodations of religious observances and  
3 shall not supersede any definition of undue hardship or standards for  
4 reasonable accommodation of the disabilities of employees.

5 (ii) This subsection q. shall not apply where the uniform  
6 application of terms and conditions of attendance to employees is  
7 essential to prevent undue hardship to the employer. The burden of  
8 proof regarding the applicability of this subparagraph (d) shall be  
9 upon the employer.

10 r. For any employer to take reprisals against any employee for  
11 requesting from, discussing with, or disclosing to, any other  
12 employee or former employee of the employer, a lawyer from whom  
13 the employee seeks legal advice, or any government agency  
14 information regarding the job title, occupational category, and rate of  
15 compensation, including benefits, of the employee or any other  
16 employee or former employee of the employer, or the gender, race,  
17 ethnicity, military status, or national origin of the employee or any  
18 other employee or former employee of the employer, regardless of  
19 whether the request was responded to, or to require, as a condition of  
20 employment, any employee or prospective employee to sign a  
21 waiver, or to otherwise require an employee or prospective employee  
22 to agree, not to make those requests or disclosures. Nothing in this  
23 subsection shall be construed to require an employee to disclose such  
24 information about the employee herself to any other employee or  
25 former employee of the employer or to any authorized representative  
26 of the other employee or former employee.

27 s. For an employer to treat, for employment-related purposes, a  
28 woman employee that the employer knows, or should know, is  
29 affected by pregnancy or breastfeeding in a manner less favorable  
30 than the treatment of other persons not affected by pregnancy or  
31 breastfeeding but similar in their ability or inability to work. In  
32 addition, an employer of an employee who is a woman affected by  
33 pregnancy shall make available to the employee reasonable  
34 accommodation in the workplace, such as bathroom breaks, breaks  
35 for increased water intake, periodic rest, assistance with manual  
36 labor, job restructuring or modified work schedules, and temporary  
37 transfers to less strenuous or hazardous work, for needs related to the  
38 pregnancy when the employee, based on the advice of her physician,  
39 requests the accommodation, and, in the case of a lactating employee  
40 **【breast feeding her infant child】** for such time as the employee  
41 desires, the accommodation shall include reasonable break time each  
42 day paid at the employee's regular rate of compensation, job  
43 restructuring, and a modified work schedule to the employee and a  
44 suitable room or other location with privacy, free from intrusion of  
45 other employees or customers of the employer's business, if  
46 applicable, other than a **【toilet stall】** restroom, in close proximity to  
47 the work area for the employee to express breast milk for the child,  
48 unless the employer can demonstrate that providing the

1 accommodation would be an undue hardship on the business  
2 operations of the employer. The employer shall not in any way  
3 penalize the employee in terms, conditions or privileges of  
4 employment for requesting or using the accommodation. Workplace  
5 accommodation provided pursuant to this subsection and paid or  
6 unpaid leave provided to an employee affected by pregnancy or  
7 breastfeeding shall not be provided in a manner less favorable than  
8 accommodations or leave provided to other employees not affected  
9 by pregnancy or breastfeeding but similar in their ability or inability  
10 to work. This subsection shall not be construed as otherwise  
11 increasing or decreasing any employee's rights under law to paid or  
12 unpaid leave in connection with pregnancy or breastfeeding.

13 For the purposes of this section "pregnancy or breastfeeding"  
14 means pregnancy, childbirth, and breast feeding or expressing milk  
15 for breastfeeding, or medical conditions related to pregnancy,  
16 childbirth, or breastfeeding, including recovery from childbirth.

17 For the purposes of this subsection, in determining whether an  
18 accommodation would impose undue hardship on the operation of an  
19 employer's business, the factors to be considered include: the overall  
20 size of the employer's business with respect to the number of  
21 employees, number and type of facilities, and size of budget; the type  
22 of the employer's operations, including the composition and structure  
23 of the employer's workforce; the nature and cost of the  
24 accommodation needed, taking into consideration the availability of  
25 tax credits, tax deductions, and outside funding; and the extent to  
26 which the accommodation would involve waiver of an essential  
27 requirement of a job as opposed to a tangential or non-business  
28 necessity requirement.

29 t. For an employer to pay any of its employees who is a member  
30 of a protected class at a rate of compensation, including benefits,  
31 which is less than the rate paid by the employer to employees who  
32 are not members of the protected class for substantially similar work,  
33 when viewed as a composite of skill, effort and responsibility. An  
34 employer who is paying a rate of compensation in violation of this  
35 subsection shall not reduce the rate of compensation of any employee  
36 in order to comply with this subsection. An employer may pay a  
37 different rate of compensation only if the employer demonstrates that  
38 the differential is made pursuant to a seniority system, a merit system,  
39 or the employer demonstrates:

40 (1) That the differential is based on one or more legitimate, bona  
41 fide factors other than the characteristics of members of the protected  
42 class, such as training, education or experience, or the quantity or  
43 quality of production;

44 (2) That the factor or factors are not based on, and do not  
45 perpetuate, a differential in compensation based on sex or any other  
46 characteristic of members of a protected class;

47 (3) That each of the factors is applied reasonably;

1 (4) That one or more of the factors account for the entire wage  
2 differential; and

3 (5) That the factors are job-related with respect to the position in  
4 question and based on a legitimate business necessity. A factor based  
5 on business necessity shall not apply if it is demonstrated that there  
6 are alternative business practices that would serve the same business  
7 purpose without producing the wage differential.

8 Comparisons of wage rates shall be based on wage rates in all of  
9 an employer's operations or facilities. For the purposes of this  
10 subsection, "member of a protected class" means an employee who  
11 has one or more characteristics, including race, creed, color, national  
12 origin, nationality, ancestry, age, marital status, civil union status,  
13 domestic partnership status, affectional or sexual orientation, genetic  
14 information, pregnancy, breastfeeding sex, gender identity or  
15 expression, disability or atypical hereditary cellular or blood trait of  
16 any individual, or liability for service in the armed forces, for which  
17 subsection a. of this section prohibits an employer from refusing to  
18 hire or employ or barring or discharging or requiring to retire from  
19 employment or discriminating against the individual in compensation  
20 or in terms, conditions or privileges of employment.

21 (cf: P.L.2021, c.248, s.2)

22

23 2. This act shall take effect immediately.

24

25

26

#### STATEMENT

27

28 This bill would clarify protections provided in the "Law Against  
29 Discrimination" to working mothers who are breast feeding.  
30 Specifically, the bill provides that an employer is required to  
31 accommodate a lactating employee for as long as the employee  
32 desires. Additionally, the bill clarifies that lactating employees are  
33 entitled to reasonable break time paid at the employee's regular rate  
34 of compensation, job restructuring, and a modified work schedule for  
35 the purpose of milk expression.

36 Further, the bill requires an employer to provide a suitable room  
37 or other location with privacy, free from intrusion of other employees  
38 or customers of the employer's business, if applicable, other than a  
39 restroom, for the purpose of milk expression.