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The Expanding Patchwork of State Paid Family and Medical Leave Laws: What Employers Should Know

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KEY POINTS

- As of mid-2026, 13 states plus the District of Columbia have enacted paid family and medical leave laws, with Virginia the most recent addition and Maryland contributions beginning January 1, 2027; several additional states, including Pennsylvania, are actively moving toward enactment.
- Unlike the FMLA, which applies only to employers with 50 or more employees within 75 miles of a worksite, many state PFML laws cover significantly smaller employers — Oregon and Maine cover employers with as few as one eligible employee, and Minnesota covers nearly all employers regardless of size.
- State PFML programs impose their own employee eligibility thresholds separate from the FMLA's requirements; Colorado's FAMLI program, for example, requires only $2,500 in wages earned during the base period, meaning employees who don't qualify for federal leave may still be entitled to state benefits.
- State PFML statutes have significantly expanded qualifying reasons beyond those the FMLA covers, including safe leave for domestic violence, NICU care leave in Colorado, and school or workplace closure leave in Washington following a government-declared emergency.
- Many state PFML laws define "family member" more broadly than the FMLA — Oregon extends coverage to any individual with an equivalent family relationship, and Washington's 2025 amendments added any individual who regularly resides in the employee's home.

The federal Family and Medical Leave Act (FMLA) has long served as the primary framework governing employee leave for family and medical reasons. But now, the FMLA is increasingly just a floor, as a rapidly growing patchwork of state paid family and medical leave (PFML) laws has fundamentally reshaped the leave compliance landscape, and the pace of change is accelerating. As employers reach the halfway point of 2026, more than a dozen states have enacted their own PFML laws, with several more on the horizon. For employers, particularly multistate employers, the challenge of staying current with this mosaic of laws has never been more pressing.

WHAT DO STATE PFML LAWS DO?

PFML laws provide eligible employees with the right to take job-protected paid leave for qualifying reasons, including bonding with a new child, caring for a seriously ill family member, or managing their own serious health condition. Unlike the FMLA (and some state corollaries), which guarantees only unpaid leave, state PFML statutes require employers to provide — or fund through payroll contributions — a wage replacement benefit during the leave period, typically calculated as a percentage of the employee's average weekly wage during a defined base period. Beyond the financial benefit, these laws impose additional meaningful obligations on employers: job restoration rights upon return from leave, continuation of health benefits during leave, mandatory workplace notices and postings, and robust anti-retaliation protections prohibiting adverse action against employees who exercise their leave rights. Together, these provisions create a floor of employee protection that in many states significantly exceeds what the FMLA alone requires.

THE CURRENT LANDSCAPE: STATES WITH PFML AND THOSE ON THE HORIZON

As of mid-2026, 13 states plus the District of Columbia have enacted PFML statutes: California, New York, New Jersey, Rhode Island, Washington, Massachusetts, Connecticut, Oregon, Colorado, Delaware, Maine, Minnesota, and most recently Virginia, which enacted its PFML law in April 2026 with benefits beginning in December 2028. Maryland's program is also on the near horizon, with contributions beginning January 1, 2027, and benefits launching in January 2028. Several additional states are actively moving toward enactment, including Pennsylvania, Hawaii, Arizona, Michigan, New Mexico, and North Carolina. The legislative momentum behind state PFML laws shows no signs of slowing, and for employers, proactive compliance warrants serious attention.

EMPLOYER COVERAGE: SMALLER EMPLOYERS ARE NO LONGER EXEMPT

The FMLA applies only to employers with 50 or more employees within 75 miles of a worksite. State PFML statutes are routinely more expansive, but they do vary substantially, so employers should confirm coverage conditions for each law. Oregon and Maine cover employers with as few as one eligible employee. Minnesota's paid leave program covers nearly all employers regardless of size. This has consequences in today's distributed workforce environment, as a company with a single remote worker in a covered state may be a covered employer under that state's law, triggering full PFML job protection and anti-retaliation obligations under that state's PFML law for the employees living in that state.

Notably, employer coverage does not automatically mean every employee is entitled to benefits, as most state PFML programs impose their own employee eligibility thresholds, which are separate from the FMLA's requirements. Employees must satisfy these requirements before they can access paid leave benefits. While the thresholds vary by state, they commonly take the form of minimum wages earned, hours worked, or length of tenure. For example, Colorado's Family and Medical Leave Insurance (FAMLI) program only requires that an employee earn at least $2,500 in wages during the applicable base period, a notably lower bar than the FMLA's requirements of 12 months of employment and 1,250 hours worked, meaning employees who would not yet qualify for federal leave may still be entitled to state benefits. Oregon similarly requires only $1,000 in wages earned before an employee is eligible. The upshot is that the employee eligibility analysis must be conducted state by state, and employers should understand that individual state thresholds may sweep in employees who fall short of FMLA eligibility just as readily as they may exclude employees who would otherwise qualify for federal leave.

QUALIFYING REASONS: A GROWING LIST

The FMLA's qualifying reasons are a circumscribed set. State statutes have expanded that list significantly. Safe leave provisions, which cover absences related to domestic violence, sexual assault, or stalking, are now a near-universal feature of new state PFML statutes. By way of further example, Colorado expanded its PFML entitlements on January 1, 2026, to add up to 12 additional weeks of leave when a covered employee's child requires NICU care. Washington's 2025 amendments extended qualifying reasons to include workplace or school closures triggered by a government-declared emergency. The trend is clear that state PFML laws are expanding the list of qualifying reasons far beyond those the FMLA contemplates.

FAMILY MEMBER DEFINITIONS: EXPANDING THE CIRCLE OF CARE

Perhaps the most significant divergence from the FMLA is in the definition of “family member” under many state PFML laws. The FMLA covers spouses, children, and parents, among others. State statutes have steadily broadened that circle. For example, Oregon extends coverage to any individual whose relationship with the employee is the equivalent of a family relationship. Washington’s 2025 amendments added any individual who regularly resides in an employee’s home. This means leave requests that would not trigger federal protection — a sibling’s serious illness, a domestic partner’s or dependent household member’s hospitalization — may nonetheless constitute protected leave under some state laws.

WHAT EMPLOYERS SHOULD DO NOW

The patchwork of state PFML laws is not a static compliance problem — it is a moving target. Employers, particularly those with multistate or distributed workforces, should consider auditing current leave frameworks, updating policy language, and training the HR professionals and managers responsible for day-to-day leave decisions. Employers would be well-served to proactively review and update their policies and practices to ensure compliance with the rapidly evolving landscape of state PFML laws.

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