

HOUSE BILL ANALYSIS

HB 1194

Brief Description: Requiring employers to allow mothers to breast-feed.

Sponsors: Representatives Cody, McMorris, Clements, Conway, Wood, Hatfield, Honeyford, Romero, Skinner, Dyer, Chopp, Murray, Morris, Keiser, Cooper and Mason

Hearing: February 3, 1997

BACKGROUND:

State laws. *Washington does not have statutes that address the right of a woman to breast-feed her child. Several other states have enacted laws specifically addressing this issue. For example, breast-feeding in New York* is a civil right and a woman is entitled to breast-feed her child in any public or private location where she is authorized to be. Both Florida and Texas have statutes that entitle a mother to breast-feed and that allow facilities or businesses to use "baby-friendly" or "mother-friendly" designations in promotional materials if the entity develops a qualified breast-feeding policy.

Federal court cases. A 1981 Florida case addressed the issue of whether a mother's breast-feeding of her child is within the privacy or personal liberty rights protected from undue state interference under the federal Constitution. In this case, a teacher requested permission to breast-feed her child in a private room at school during her non-duty lunch hour or, in the alternative, to leave the school grounds during that period to breast-feed. The school refused, citing its policies prohibiting teachers from bringing their children to work and from leaving the school premises during the school day.

The federal Court of Appeals for the Fifth Circuit refused to dismiss the teacher's claim, holding that: