

SENATE BILL REPORT

ESHB 1194

As Reported By Senate Committee On:
Commerce & Labor, February 23, 1998

Title: An act relating to infant breast-feeding.

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

Sponsors: House Committee on Commerce & Labor (originally sponsored by Representatives Cody, McMorris, Clements, Conway, Wood, Hatfield, Honeyford, Romero, Skinner, Dyer, Chopp, Murray, Morris, Keiser, Cooper and Mason).

Brief History:

Committee Activity: Commerce & Labor: 2/19/98, 2/23/98 [DP].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser and Heavey.

Staff: Jack Brummel (786-7428)

Background: 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 similarly 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.

Some states specifically exclude the act of breast-feeding from their indecent exposure statutes. In Washington, a person is guilty of indecent exposure if the person intentionally makes any open and obscene exposure of himself or herself knowing that such conduct is likely to cause reasonable affront or alarm. Indecent exposure can be a misdemeanor, gross misdemeanor, or class C felony, depending upon various factors.

Summary of Bill: An employer must provide a workplace location to allow a woman to express breast milk unless reasonable safety or security considerations require other options. This requirement is met by providing a clean women's lavatory or a clean lavatory with a locking door.

An employer that wishes to use a "baby-friendly" designation in its promotional materials must develop a workplace policy that addresses flexible work scheduling, accessible private locations and clean water facilities, and hygienic milk storage alternatives.

The act of breast-feeding is not indecent exposure.

Appropriation: None.

Fiscal Note: Requested on January 29, 1997.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The goal of the bill is to encourage breast feeding. The United States has one of the lowest breast feeding rates among industrialized nations. Women should not be discriminated against for nursing. This bill would allow women to continue to nurse after they return to work. Breast-fed babies are less likely to become ill so working mothers are less likely to take sick leave to be with their infants.

Testimony Against: None.

Testified: PRO: Representative Cody, prime sponsor; Representative Costa; Darcy Pintato; Lynnette Hofman; Dr. Helen Baker; Marshal Hudson; Ann Simons; Amber Balch, AWB (neutral).