
ENGROSSED SUBSTITUTE HOUSE BILL 1194

State of Washington

55th Legislature

1998 Regular Session

By 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)

Read first time 03/05/97.

1 AN ACT Relating to infant breast-feeding; amending RCW 9A.88.010;
2 and adding a new section to chapter 49.12 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.12 RCW
5 to read as follows:

6 (1) The legislature finds that breast-feeding of an infant is an
7 important and basic act of nurture which must be encouraged in the
8 interests of maternal and child health and of family values. The
9 legislature recognizes that workplace policies protecting a woman's
10 right to choose to breast-feed her child will further these important
11 goals.

12 (2) An employer must provide a location at the workplace to allow
13 a woman to express breast milk except where reasonable safety or
14 security considerations require other options. Providing a clean
15 lavatory designed for women or a clean lavatory with a locking door
16 meets this requirement.

17 (3)(a) An employer may use the designation "baby-friendly" on its
18 promotional materials if the employer has an approved workplace breast-
19 feeding policy addressing at least the following:

1 (i) Flexible work scheduling, including scheduling breaks and
2 permitting work patterns that provide time for expression of breast
3 milk;

4 (ii) Accessible locations allowing privacy for breast-feeding or
5 expressing breast milk;

6 (iii) An accessible clean and safe water source with facilities for
7 washing hands and rinsing breast-pumping equipment; and

8 (iv) An accessible hygienic storage alternative in the workplace
9 for the mother's breast milk.

10 (b) Employers seeking approval of a workplace breast-feeding policy
11 shall submit the policy to the department of health. The department
12 shall review and approve those policies that meet the requirements of
13 this section.

14 (4) For the purposes of this section, "employer" includes those
15 employers defined in RCW 49.12.005 and also includes the state, state
16 institutions, state agencies, political subdivisions of the state, and
17 municipal corporations or quasi-municipal corporations.

18 **Sec. 2.** RCW 9A.88.010 and 1990 c 3 s 904 are each amended to read
19 as follows:

20 (1) A person is guilty of indecent exposure if (~~he~~) the person
21 intentionally makes any open and obscene exposure of his person or the
22 person of another knowing that such conduct is likely to cause
23 reasonable affront or alarm. The act of breast-feeding is not indecent
24 exposure, as defined in this section, regardless of whether or not the
25 nipple of the woman's breast is covered during or incidental to breast-
26 feeding.

27 (2) Indecent exposure is a misdemeanor unless such person exposes
28 himself or herself to a person under the age of fourteen years in which
29 case indecent exposure is a gross misdemeanor on the first offense and,
30 if such person has previously been convicted under this subsection or
31 of a sex offense as defined in RCW 9.94A.030, then such person is
32 guilty of a class C felony punishable under chapter 9A.20 RCW.

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