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**SUBSTITUTE HOUSE BILL 1855**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Cody, Clements, Conway, O'Brien, Murray, Cairnes, Keiser, Lantz, Wolfe, Kenney, Hatfield, Santos, Wood, Ogden, Rockefeller, Regala, McIntire, Stensen, Dickerson, Kessler and Gombosky)

Read first time 02/25/1999. Referred to Committee on .

1 AN ACT Relating to breastfeeding; amending RCW 9A.88.010, adding a  
2 new section to chapter 49.60 RCW; and adding a new section to chapter  
3 49.12 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60 RCW  
6 to read as follows:

7 The legislature declares that the promotion of family values and  
8 child health demands putting an end to the unfortunate cycle of  
9 embarrassment and ignorance that constricts women and men alike on the  
10 subject of breastfeeding. The legislature finds that:

11 (1) The American academy of pediatrics recommends exclusive  
12 breastfeeding for the first six months and breastfeeding with solids to  
13 continue for at least twelve months. The American academy of  
14 pediatrics recommends that mothers begin breastfeeding within the first  
15 hour after delivery and recommends that arrangements be made to provide  
16 expressed breast milk if the mother and child must separate during the  
17 first year;

18 (2) Breast milk contains all the nutrients a child needs for ideal  
19 growth and development, many of which can only be found in breast milk.

1 Breast milk is easy to digest and helps guard against juvenile  
2 diabetes, lymphomas, Crohn's disease, and a number of chronic liver  
3 diseases;

4 (3) Studies show that children who are not breastfed have higher  
5 rates of death, meningitis, childhood leukemia and other cancers,  
6 diabetes, respiratory illnesses, bacterial and viral infections,  
7 diarrheal diseases, allergies, obesity, and developmental delays;

8 (4) Breastfeeding may help reduce the mother's risk of breast and  
9 ovarian cancer and osteoporosis;

10 (5) Breastfeeding releases oxytocin, a hormone in a woman's body  
11 that causes her uterus to return to its normal size and shape more  
12 quickly after birth. Breastfeeding also releases prolactin, a hormone  
13 which promotes closeness between a mother and her child;

14 (6) Women with children are the fastest growing segment of today's  
15 labor force;

16 (7) At least fifty percent of women who are employed when they  
17 become pregnant return to the work force by the time their children are  
18 three months old;

19 (8) Women who wish to continue breastfeeding after returning to  
20 work have relatively few and simple needs: Availability of suitable,  
21 dependable, efficient breast pumps; a convenient, sanitary, safe,  
22 private, and comfortable location at the workplace; and the ability  
23 during the work shift to express milk from her breasts and safely store  
24 it;

25 (9) Women who are allowed to breastfeed in their place of  
26 employment benefit their employers because these women have higher  
27 morale, higher self-esteem, increased productivity, more company  
28 loyalty, and lower health care costs;

29 (10) Although the pregnancy discrimination act, enacted by Congress  
30 in 1978, prohibits discrimination on the basis of pregnancy,  
31 childbirth, or related medical condition, courts have not interpreted  
32 the pregnancy discrimination act to include breastfeeding.

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

35 (1) A person is guilty of indecent exposure if he or she  
36 intentionally makes any open and obscene exposure of his or her person  
37 or the person of another knowing that such conduct is likely to cause

1 reasonable affront or alarm. The act of breastfeeding or expressing  
2 breast milk is not indecent exposure.

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

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.12 RCW  
10 to read as follows:

11 (1) Except where reasonable safety or security considerations  
12 require other options, an employer must make reasonable efforts to  
13 provide a convenient, sanitary, safe, and private room or other  
14 location, in close proximity to the work area, where the employee can  
15 express her milk in privacy. Providing a clean lavatory designed for  
16 women or a clean lavatory with a locking door meets this requirement.

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

20 (a) Flexible work scheduling, including scheduling breaks and  
21 permitting work patterns that provide time for expression of breast  
22 milk;

23 (b) Convenient, sanitary, safe, and private locations allowing  
24 privacy for breastfeeding or expressing breast milk;

25 (c) A convenient clean and safe water source with facilities for  
26 washing hands and rinsing breast-pumping equipment; and

27 (d) A convenient hygienic refrigerator in the workplace for the  
28 mother's breast milk.

29 (3) Employers seeking approval of a workplace breastfeeding policy  
30 must submit the policy to the department of health. The department of  
31 health shall review and approve those policies that meet the  
32 requirements of this section.

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

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