

# HOUSE BILL REPORT

## 2SHB 1590

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### As Passed Legislature

**Title:** An act relating to breastfeeding.

**Brief Description:** Supporting the practice of breastfeeding.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Cody, Clements, Conway, Skinner, Gombosky, Mitchell, Edmonds, Hatfield, Keiser, Kenney, Kagi, McIntire, Wood, Ruderman, Santos and Hurst).

**Brief History:**

**Committee Activity:**

Health Care: 2/13/01, 2/20/01 [DPS];

Appropriations: 2/28/01, 3/7/01 [DP2S(w/o sub HC)].

**Floor Activity:**

Passed House: 3/14/01, 86-9.

Passed Senate: 4/6/01, 44-3.

Passed Legislature.

### Brief Summary of Second Substitute Bill

- State and local governmental agencies and businesses are encouraged to consider the benefits of providing a private room for mothers to breastfeed their infants.
- The act of breastfeeding or expressing breast milk is not indecent exposure.
- Allows any employer to use the designation of "infant-friendly" on its promotional materials if the employer follow certain requirements.
- Employers, both governmental and private business, seeking approval of a workplace breastfeeding policy are required to submit the breastfeeding policy to the Department of Health.

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### HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Campbell, Republican Co-Chair; Cody,

Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington and Ruderman.

**Staff:** Antonio Sanchez (786-7383).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by 28 members: Representatives Sehlin, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander, Boldt, Buck, Clements, Cody, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, D. Schmidt, Schual-Berke, Talcott and Tokuda.

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Lisk, Republican Vice Chair; Cox and Mulliken.

**Staff:** Amy Hanson (786-7118).

### **Background:**

Good nutrition is especially important for pregnant women and developing children. Breastfeeding is one way to provide good nutrition to the nation's children. Low rates of breastfeeding remain a public health concern. National data from 1997 show an increase from 1990 (51.5 percent) to 62.4 percent of mothers who breastfeed newborns in the hospital and 26 percent of mothers who breastfeed infants five to six months postpartum. These are several percentage points lower than the national Healthy People 2000, and now Healthy People 2010, objectives of 75 percent and 50 percent, respectively.

At least half of the states have enacted legislation related to breastfeeding within the last seven years. Most such laws allow mothers to breastfeed in any public or private location or provide that breastfeeding does not constitute indecent exposure. Some states have taken legislation a step further. California (1995) requires the human service department to promote breastfeeding in public health campaigns and hospitals to provide lactation consultation and support to patients. Hawaii prohibits employers from discriminating against a mother who breastfeeds or expresses milk at the workplace. Georgia, Minnesota and Tennessee require employers to provide reasonable, unpaid break time for an employee to express breastmilk, and Georgia further provides that employers may make reasonable efforts to provide a private location (other than toilet stalls) to do so. Missouri law establishes that certain obstetrical care facilities distribute information on breastfeeding to new mothers. In Iowa and Oregon, laws exclude nursing mothers from participating in jury duty and California and Idaho allow a nursing mother to

postpone jury duty.

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 either a misdemeanor, gross misdemeanor, or class C felony, depending upon various factors.

**Summary:**

The Legislature finds and declares the importance and need for promoting more infant breastfeeding and acknowledges the social and workplace challenges in accomplishing higher infant breastfeeding goals. State and local governmental agencies, and businesses are encouraged to consider the benefits of providing a private room for mothers to breastfeed their infants.

The act of breastfeeding or expressing breast milk is not indecent exposure.

Allows any employer to use the designation of "mother-friendly" on its promotional materials if they follow certain requirements:

- a. A flexible work schedule that provides time for expression of breast milk;
- b. a place, other than a bathroom, for expressing breast milk;
- c. a water source for washing hands and cleaning breast-pumping equipment; and
- d. a refrigerator in the workplace specifically for mothers' breast milk.

Employers, both governmental and private business, seeking approval of a workplace breastfeeding policy are required to submit the breastfeeding policy to the Department of Health (DOH). The DOH is authorized to contract for the development and implementation of mother friendly designations.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (Health Care) This bill will give mothers the privacy in the work place they need and deserve.

**Testimony For:** (Appropriations) Research has shown that breastfeeding helps save costs. This bill is a small investment that supports mothers who breastfeed and encourages employers to adopt baby-friendly policies.

**Testimony Against:** (Health Care) None.

**Testimony Against:** (Appropriations) None.

**Testified:** (Health Care) Amber Balch, Association Washington Business; Carolyn Logue, National Federation of Independent Business; Mary Krueger, Breastfeeding Coalition of Washington; and Susan Cierebiej.

**Testified:** (Appropriations) Representative Cody, prime sponsor; and Amber Balch, Association of Washington Business.