

# FINAL BILL REPORT

## 2SHB 1590

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Synopsis as Enacted

**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).

**House Committee on Health Care**

**House Committee on Appropriations**

**Senate Committee on Labor, Commerce & Financial Institutions**

### **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, although the number of mothers who breastfed newborns in the hospital increased over the past few years, the nation is well below the objectives established by federal government's Healthy People 2010 commission.

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 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 breast milk, 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 must 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 express breast milk.

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

An employer may use the designation "infant-friendly" on its promotional materials if the employer follows certain requirements:

- a flexible work schedule that provides time for expression of breast milk;
- a place, other than a restroom, for expressing breast milk;
- a water source for washing hands and cleaning breast-pumping equipment; and
- 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 criteria for infant-friendly designations.

**Votes on Final Passage:**

House 86 9

Senate 44 3

**Effective:** July 22, 2001