

Breastfeeding Laws & Regulations

Know your rights



Be part of the change

Call your state legislators to encourage their support of legislation that protects a woman's right to breastfeed.

Breastfeeding provides innumerable health benefits to the mother and child. Breastfeeding offers a significant economic advantage to parents and billions of dollars in savings to the public (Weimer, 2001; Bartick, 2010). Breastfeeding is the normal way to feed a child. That being said:

Why do we need laws protecting breastfeeding?

Imagine a new mother shopping at the local mall and stopping at a bench to breastfeed her baby. A police car drives by and an officer informs her that she is violating an indecent exposure law and must stop or she will be arrested. This scenario has taken place in a number of states many, many times.

Current breastfeeding legislation

Currently, 49 states, the District of Columbia and the Virgin Islands have enacted some form of legislation protecting breastfeeding. Most state legislation allows women to breastfeed in any private or public location. Many laws prevent breastfeeding from being treated as a criminal act.

Unfortunately some laws are so weak that a woman can still be banned from public property while breastfeeding, fired for taking breaks at work to express milk or prevented from breastfeeding if

breastfeeding "is considered indecent exposure."

Some states offer comprehensive laws that not only protect a woman's right to breastfeed, but offer support and encouragement. Legislation in different states can include any or all of the following:

- allowing a woman to breastfeed in public even if her breast and nipple is exposed in an incidental act of breastfeeding
- defining stopping a woman from breastfeeding as a violation of discrimination laws
- requiring employers to allow mothers unpaid break time to express milk as well as a private, sanitary place to do so
- excusing women who are breastfeeding from jury duty if they choose
- allowing mothers in prison to breastfeed their infants
- requiring hospitals and providers of health care to offer education on breastfeeding and to provide a lactation consultant to patients

North Carolina law states:

NC General Statute sec. 14-190.9 Notwithstanding any other provision of the law, a woman may breast feed [sic] in any public or



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private location where she is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast feeding [sic].

South Carolina law states:

"A woman may breastfeed her child in any location where the mother is authorized to be and that the act of breastfeeding is not considered indecent exposure."

On The National Level

On March 23, 2010, the [Patient Protection and Affordable Care Act](#) (also known as Health Care Reform) was signed into law. The amendment requires employers to provide reasonable break time and a private, non-bathroom place for nursing mothers to express breast milk during the workday for one year after the child's birth. The rules and regulations all fall under the Wage and Hour Division of the United States Department of Labor. Here is how to find detailed information about the federal law and how it may affect you:

Fact Sheet #73: Break Time for Nursing Mothers <http://www.dol.gov/whd/regs/compliance/whdfs73.htm>

This fact sheet describes in detail what businesses are required to do by law and what mothers can expect from employers.

Frequently Asked Questions – Break Time for Nursing Mothers information sheet: <http://www.dol.gov/whd/nursingmothers/faqBTNM.htm>.

If your business is not honoring federal law, here is how you can register a complaint with the U.S. Department of Labor's Wage and Hour Division: <http://www.dol.gov/wecanhelp/howtofilecomplaint.htm>

North Carolina Regulations that promote, protect and support breastfeeding:

Office of State Personnel (OSP) Lactation Policy:

"It is the policy of North Carolina State Government to assist working mothers with the transition back to work following the birth of a child by providing lactation support. A lactation support program allows a nursing mother to express breast milk periodically during the work day."

The OSP policy was passed on July 1, 2010, and provides for designated space and paid break time for expressing breast milk for employees governed by the State Personnel Act. The full policy can be found at <http://www.osp.state.nc.us/manuals/sections7and8.htm>.

North Carolina Child Care Regulation:

The following regulation was passed on July 1, 2010, and applies to any licensed child care center or family day care home.

"The center shall provide seating and an electrical outlet, in a place other than a bathroom that is shielded from view from staff and the public which may be used by mothers while they are breastfeeding or expressing breast milk."

What can we do?

The first step toward change is to become informed. The resources listed above and at the end of this article provide in-depth information on breastfeeding and what legislative action has taken or will take place in your state. Take the time to learn about the issues and become proactive in your community. There are so many things we can all do to support breastfeeding. Call your state legislators to encourage their support of legislation that protects a woman's right to breastfeed. Write to insurance companies and HMOs to inform them of the economic savings of breastfeeding and to encourage them to reimburse for the cost of renting a breast pump. Spread the word and encourage others to join you in making a difference.

The Surgeon General has put forth a "Call To Action" to support and promote breastfeeding. Download the executive summary and become familiar with the 20 areas in which we can change our society and healthcare structure to promote protect and support breastfeeding. These areas include actions for mothers and families, actions

for communities, changes for healthcare, changes in the workplace, and suggestions for public health, research, and surveillance. Get active! <http://www.usbreastfeeding.org/LegislationPolicy/FederalPolicies/SurgeonGeneralsCalltoAction/tabid/189/Default.aspx>

References

- National Conference of State Legislatures. <http://www.ncsl.org/IssuesResearch/Health/BreastfeedingLaws/tabid/14389/Default.aspx>
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- Weimer, J. (2001). The Economic Benefits of Breastfeeding: A Review and Analysis. Economic Research Service/USDA. Report 13. Retrieved from: <http://www.ers.usda.gov/publications/fanrr13/fanrr13.pdf>.

Resources

- National Conference of State Legislatures: <http://www.ncsl.org/IssuesResearch/health/breastfeedinglaws/tabid/14389/default.aspx>
- <http://www.usbreastfeeding.org>
- <http://www.illi.org/Law/LawBills.html>
- http://maloney.house.gov/documents/olddocs/breastfeeding/20050519_CRS_State%20Laws.pdf
- http://maloney.house.gov/documents/women/breastfeeding/20061012_CRS_fedleg.pdf
- <http://www.ilca.org/>
- <http://www.medela.com/>

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