
SENATE BILL 5809

State of Washington

57th Legislature

2001 Regular Session

By Senators Costa, Kohl-Welles, Fairley, Thibaudeau, Fraser, Patterson, Gardner and T. Sheldon

Read first time 02/02/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to breastfeeding; amending RCW 9A.88.010; and
2 adding new sections to chapter 43.70 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 43.70 RCW
5 to read as follows:

6 (1) The legislature acknowledges the surgeon general's summons to
7 all sectors of society and government to help redress the low
8 breastfeeding rates and duration in the United States, including the
9 social and workplace factors that can make it difficult for women to
10 breastfeed. The legislature also acknowledges the surgeon general's
11 report on the health and economic importance of breastfeeding which
12 concludes that:

13 (a) Breastfeeding is one of the most important contributors to
14 infant health;

15 (b) Breastfeeding provides a range of benefits for the infant's
16 growth, immunity, and development; and

17 (c) Breastfeeding improves maternal health and contributes economic
18 benefits to the family, health care system, and workplace.

1 (2) The legislature declares that the achievement of optimal infant
2 and child health, growth, and development requires protection and
3 support for the practice of breastfeeding. The legislature finds that:

4 (a) The American academy of pediatrics recommends exclusive
5 breastfeeding for the first six months of a child's life and
6 breastfeeding with the addition of solid foods to continue for at least
7 twelve months, and that arrangements be made to provide expressed
8 breast milk if the mother and child must separate during the first
9 year. Children should be breastfed or fed expressed breast milk when
10 they show signs of need, rather than according to a set schedule or the
11 location;

12 (b) Breast milk contains all the nutrients a child needs for
13 optimal health, growth, and development, many of which can only be
14 found in breast milk;

15 (c) Research in developed countries provides strong evidence that
16 breastfeeding decreases the incidence and/or severity of diarrhea,
17 lower respiratory tract infection, otitis media, bacteremia, bacterial
18 meningitis, urinary tract infection, and necrotizing enterocolitis. In
19 addition, a number of studies show a possible protective effect of
20 breastfeeding against SIDS, Type I diabetes mellitus, Crohn's disease,
21 lymphoma, ulcerative colitis, and allergic diseases;

22 (d) Studies also indicate health benefits in mothers who
23 breastfeed. Breastfeeding is one of the few ways that mothers may be
24 able to lower their risk of developing breast and ovarian cancer, with
25 benefits proportional to the duration that they are able to breastfeed.
26 In addition, the maternal hormonal changes stimulated by breastfeeding
27 also help the uterus recover faster and minimize the amount of blood
28 mothers lose after birth. Breastfeeding inhibits ovulation and
29 menstrual bleeding, thereby decreasing the risk of anemia and a
30 precipitous subsequent pregnancy. Breastfeeding women also have an
31 earlier return to prepregnancy weight;

32 (e) Approximately two-thirds of women who are employed when they
33 become pregnant return to the work force by the time their children are
34 six months old;

35 (f) Employers benefit when their employees breastfeed. Breastfed
36 infants are sick less often; therefore, maternal absenteeism from work
37 is lower in companies with established lactation programs. In
38 addition, employee medical costs are lower and employee productivity is
39 higher;

1 (g) According to a survey of mothers in Washington, most want to
2 breastfeed but discontinue sooner than they hope, citing lack of
3 societal and workplace support as key factors limiting their ability to
4 breastfeed;

5 (h) Many mothers fear that they are not making enough breast milk
6 and therefore decrease or discontinue breastfeeding. Frequency of
7 breastfeeding or expressing breast milk is the main regulator of milk
8 supply, such that forcing mothers to go prolonged periods without
9 breastfeeding or expressing breast milk can undermine their ability to
10 maintain breastfeeding; and

11 (i) Maternal stress can physiologically inhibit a mother's ability
12 to produce and let down milk. Mothers report modifiable sources of
13 stress related to breastfeeding, including lack of protection from
14 harassment and difficulty finding time and an appropriate location to
15 express milk while away from their babies.

16 (3) The legislature encourages state and local governmental
17 agencies, and private and public sector businesses to consider the
18 benefits of providing convenient, sanitary, safe, and private rooms for
19 mothers to express breast milk.

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

22 (1) A person is guilty of indecent exposure if he or she
23 intentionally makes any open and obscene exposure of his or her person
24 or the person of another knowing that such conduct is likely to cause
25 reasonable affront or alarm. The act of breastfeeding or expressing
26 breast milk is not indecent exposure.

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.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70 RCW
34 to read as follows:

35 (1) An employer may use the designation "mother-friendly" on its
36 promotional materials if the employer has an approved workplace
37 breastfeeding policy addressing at least the following:

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

4 (b) A convenient, sanitary, safe, and private location, other than
5 a restroom, allowing privacy for breastfeeding or expressing breast
6 milk;

7 (c) A convenient clean and safe water source with facilities for
8 washing hands and rinsing breast-pumping equipment located at or near
9 the private location for expressing breast milk; and

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

12 (2) Employers seeking approval of a workplace breastfeeding policy
13 must submit the policy to the department of health. The department of
14 health shall review and approve those policies that meet the
15 requirements of this section.

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

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