California Breastfeeding Laws and Regulations

**Breastfeeding Education and Support (1995, McDonald)**

**AB 977 / Health and Safety Code Sections 123360-123365**

319.50. The State Department of Health Services shall include in its public service campaign the promotion of mothers breast feeding their infants.

319.55. (a) All general acute care hospitals, as defined in subdivision (a) of Section 1250, and all special hospitals providing maternity care, as defined in subdivision (f) of Section 1250, shall make available a breastfeeding consultant or alternatively, provide information to the mother on where to receive breast feeding information.

(b) The consultant may be a registered nurse with maternal and newborn care experience, if available.

(c) The consultation shall be made available during the hospitalization associated with delivery, or alternatively, the hospital shall provide information to the mother on where to receive the breastfeeding information.

(d) The patient may decline this consultation or information.

**Right to Breastfeed in Public (1997, Villaraigosa)**

**AB 157 / Section 43.3 of the Civil Code**

"A mother may breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and the child are otherwise authorized to be present."

**Breastfeeding at Work (1998, Maddox)**

**ACR 155 / Assembly Concurrent Resolution No. 155 Chap. 152**

"Resolved by the Assembly of the State of California, the Senate thereof concurring, that the Legislature encourages the State of California and all California employers to strongly support and encourage the practice of breastfeeding by striving to accommodate the needs of employees, and by ensuring that employees are provided with adequate facilities for breastfeeding, or the expressing of milk for their children.

Resolved, That the Legislature respectfully memorializes the Governor to declare by executive order that all State of California employees shall be provided with adequate facilities for breastfeeding, or the expressing of milk."
Human Milking Banking (1999, Lempert)
AB 532 / Health and Safety Code Section 1647 Chap. 87
Makes the procurement, processing, distribution, or use of human milk for the purpose of human consumption the rendition of a service rather than the sale of a product.

Jury Duty - Breastfeeding Mothers (2000, Lempert)
AB 1814 / Code of Civil Procedure - Section 210.5 Chap. 266
"The Judicial Council shall adopt a standardized jury summons for use, with appropriate modifications, around the state, that is understandable and has consumer appeal. The standardized jury summons shall include a specific reference to the rules for breast-feeding mothers."

Lactation Accommodation (2002, Frommer)
AB 1025 / Labor Code Chapter 3.8 Sections 1030-1033
"1030. Every employer, including the state and any political subdivision, shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee’s infant child.

1031. The employer shall make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee’s work area, for the employee to express milk in private.

1032. An employer is not required to provide break time under this chapter if to do so would seriously disrupt the operations of the employer.

1033. (a) An employer who violates any provision of this chapter shall be subject to a civil penalty in the amount of one hundred dollars ($100) for each violation."

Human Milk (2006, Figueroa)
SB 246 / California Health and Safety Code Section 1648
Requires a hospital that collects, processes, stores, or distributes human milk collected from a mother exclusively for her own child to comply with the most current standards established for the collection, processing, storage, or distribution of human milk by the Human Milk Banking Association of North America (HMBANA) until or unless the Department of Health Services (DHS) approves alternative standards.

A hospital is exempt from a tissue bank license if they are collecting milk from a mother for use with her own baby.
Breastfeeding; Hospital Training (2007, Migden)
SB 22 / California Health & Safety Code Section 1257.9 & 14134.55

1257.9 Requires the State Department of Public Health to recommend specified training that is intended to improve breastfeeding rates among mothers and infants for general acute care hospitals and special hospitals that provide maternity care, and that have exclusive patient breastfeeding rates in the lowest 25 percent.

“The department shall develop a model eight-hour training course of hospital policies and recommendations that promote exclusive breast-feeding, incorporating available materials already developed by the department, and shall specify hospital staff for which this model training is appropriate. The department shall also provide the model training materials to hospitals, upon request.”

Requires the Department of Public Health to expand existing programs and fund new programs, at WIC program sites, that promote breastfeeding through peer counseling and other appropriate services as funds are available.

Also requires the Department of Public Health to streamline and simplify existing Medi-Cal program procedures in order to improve access to lactation supports and breast pumps among Medi-Cal recipients.

14134.55 “The department shall streamline and simplify existing Medi-Cal program procedures in order to improve access to lactation supports and breast pumps among Medi-Cal recipients.”

Hospital Infant Feeding Act (2011, Pavley/De Leon)
SB 502 / California Health & Safety Code Section 123366

(c) All general acute care hospitals and special hospitals, as defined in subdivisions (a) and (f) of Section 1250, that have a perinatal unit shall have an infant-feeding policy. The infant-feeding policy shall promote breastfeeding, utilizing guidance provided by the Baby-Friendly Hospital Initiative or the State Department of Public Health Model Hospital Policy Recommendations. The infant-feeding policy may include guidance on formula supplementation or bottlefeeding, if preferred by the mother or when exclusive breastfeeding is contraindicated for the mother or infant.

(d) The infant-feeding policy shall be routinely communicated to perinatal unit staff, beginning with hospital orientation, and shall be clearly posted in the perinatal unit or on the hospital or health system Internet Web site.

(e) The infant-feeding policy shall apply to all infants in a perinatal unit.

AB2386 / California Health & Safety Code Section 12926

(r) (1) “Sex” includes, but is not limited to, the following:
(A) Pregnancy or medical conditions related to pregnancy.
(B) Childbirth or medical conditions related to childbirth.
(C) Breastfeeding or medical conditions related to breast feeding.
Sex Discrimination: Pregnancy, Childbirth or Related Medical Conditions (2012)
California Code of Regulations Subchapter 6A

§ 7291.2. Definitions
(d) A "condition related to pregnancy, childbirth, or a related medical condition," as set forth in Government Code section 12945, means a physical or medical condition intrinsic to pregnancy or childbirth that includes, but is not limited to lactation. Generally lactation without medical complications is not a disabling “related medical condition” requiring pregnancy disability leave, although it may require transfer to a less strenuous or hazardous position or other reasonable accommodation.

(s) “Reasonable accommodation” of an employee affected by pregnancy is any change in the work environment or in the way a job is customarily done that is effective in enabling an employee to perform the essential functions of a job. Reasonable accommodation may include, but is not limited to an employer:
(5) providing a reasonable amount of break time and use of a room or other location in close proximity to the employee’s work area to express breast milk in private as set forth in Labor Code section 1030, et seq.

(u) A “related medical condition” is any medically recognized physical or mental condition related to pregnancy, childbirth or recovery from pregnancy or childbirth. This term includes, but is not limited to, lactation-related medical conditions such as mastitis; gestational diabetes; pregnancy-induced hypertension; preeclampsia; post-partum depression; loss or end of pregnancy, or recovery from loss or end of pregnancy.

CalWORKS: Welfare-to-Work Requirements (2013, Liu)
SB 252 / California Health & Safety Code Section 11218

“Pursuant to Section 43.3 of the Civil Code, an applicant or recipient of aid under this chapter is entitled to breastfeed her child in any public area, or area where the mother and the child are authorized to be present, in a county welfare department or other county office.”

Hospital Breastfeeding Support (2013, Pavley/De Leon)
SB 402 / California Health & Safety Code Section 123367

Requires all general acute care hospitals and special hospitals to have a perinatal unit to adopt the “Ten Steps to Successful Breastfeeding”, as adopted by Baby-Friendly USA, per the Baby-Friendly Hospital Initiative, or an alternate process adopted by a health care service plan that includes evidence-based policies and practices and targeted outcomes, or the Model Hospital Policy Recommendations.

For more information on each law: www.sen.ca.gov