

SUMMARY OF ENACTED BREASTFEEDING LEGISLATION

CALIFORNIA

California has enacted several significant breastfeeding laws on the following issues: (1) lactation services or information must be made available by all hospitals/maternity care facilities; (2) breastfeeding in public (note: that the law does not apply to breastfeeding at a private home of another); (3) jury duty; and (4) accommodations for employed breastfeeding mothers.

Cal Health & Saf Code § 123360 and § 123365

1995 Cal ALS 463; 1995 Cal AB 977; Stats 1995 ch 463

§123360 The State Department of Health Services shall include in its public service campaign the promotion of mothers breast feeding their infants.

§123365

(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 breast feeding 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 the delivery, or alternatively, the hospital shall provide information to the mother on where to receive breast feeding information.

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

Cal. Civ. Code §43.3

1997 Cal ALS 59; 1997 Cal AB 157; Stats 1997 ch 59

Notwithstanding any other provision of law, a mother may breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and child are authorized to be present.

Cal Code Civ. Proc. § 210.5

2000 Cal AB 1814; 2000 Cal ALS 266; Stats 2000 ch 266

§ 210.5. Standardized jury summons

...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. The use of the standardized jury summons shall be voluntary, unless otherwise prescribed by the rules of court.

2004 California Rules of Court (Note: this is not a statute).

Rule 859. Deferral of jury service

A mother who is breastfeeding a child may request that jury service be deferred for up to one year, and may renew that request as long as she is breastfeeding. If the request is made in writing, under penalty of perjury, the jury commissioner must grant it without requiring the

prospective juror to appear at court.

Rule 859 adopted effective July 1, 2001.

Cal. Lab. Code §1030, 1031, 1032, 1033 (2001)

2001 Cal ALS 821; 2001 Cal AB 1025; Stats 2001 ch 821,

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. The break time shall, if possible, run concurrently with any break time already provided to the employee. Break time for an employee that does not run concurrently with the rest time authorized for the employee by the applicable wage order of the Industrial Welfare Commission shall be unpaid.

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. The room or location may include the place where the employee normally works if it otherwise meets the requirements of this section.

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.

(b) If, upon inspection or investigation, the Labor Commissioner determines that a violation of this chapter has occurred, the Labor Commissioner may issue a citation. The procedures for issuing, contesting, and enforcing judgments for citations or civil penalties issued by the Labor Commissioner for violations of this chapter shall be the same as those set forth in Section 1197.1.

(c) Notwithstanding any other provision of this code, violations of this chapter shall not be misdemeanors under this code.