

By: Senator(s) Frazier, Witherspoon

To: Public Health and Welfare

SENATE BILL NO. 2070

1 AN ACT TO SUPPORT AND PROMOTE BREAST-FEEDING IN MISSISSIPPI
 2 THROUGH LEGISLATIVE ACKNOWLEDGEMENT OF THE MANY BENEFITS OF
 3 BREAST-FEEDING; TO REQUIRE EMPLOYERS TO PROVIDE EMPLOYEES WITH
 4 REASONABLE BREAK TIME AND A PRIVATE SPACE TO EXPRESS MILK DURING
 5 WORK HOURS; TO REQUIRE ALL HOSPITALS WITH BIRTHING FACILITIES TO
 6 HAVE A WRITTEN INFANT FEEDING POLICY THAT SUPPORTS BREAST-FEEDING
 7 WHICH ALL RELEVANT STAFF MUST BE SUFFICIENTLY TRAINED IN; TO
 8 REQUIRE MATERNAL HEALTH CARE FACILITIES TO DISPLAY A
 9 "BREAST-FEEDING IN MISSISSIPPI: GUIDELINES" SIGN PUBLICLY ON
 10 THEIR PREMISES; TO AMEND SECTION 17-25-9, MISSISSIPPI CODE OF
 11 1972, TO AUTHORIZE A MISDEMEANOR AND FINE WHERE THERE IS A
 12 VIOLATION OF A MOTHER'S RIGHT TO BREAST-FEED; AND FOR RELATED
 13 PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** (1) The Legislature of the State of Mississippi
 16 acknowledges that extensive research demonstrates the wide-ranging
 17 and compelling benefits of breast-feeding for infants, mothers,
 18 families and communities, including:

19 (a) Numerous health benefits to the child, such as
 20 lower incidences of SIDS, childhood obesity, asthma, allergies and
 21 diabetes as well as increased intelligence and parental
 22 attachment;



23 (b) Numerous health benefits to the mother, such as
24 decreased rates of breast cancer, ovarian cancer, postpartum
25 hemorrhage, and reduced rates of obesity through increased
26 postpartum weight loss; and

27 (c) Significant economic and social benefits to the
28 state, such as reduced health care costs, and reduced employee
29 absenteeism for care attributable to child illness as well as
30 direct saving to families, as the United States Surgeon General
31 estimates that the average family can save between One Thousand
32 Two Hundred Dollars (\$1,200.00) and One Thousand Five Hundred
33 Dollars (\$1,500.00) during a baby's first year of life through
34 breast-feeding.

35 (2) The Legislature also recognizes, despite these numerous
36 benefits, that Mississippi has one of the lowest breast-feeding
37 rates in the country and acknowledges that mothers in Mississippi
38 face many barriers to breast-feeding. One of these barriers is
39 education, which many studies and reports have found to be a
40 significant obstacle that inhibits the practice of breast-feeding.
41 Many mothers are ill-informed about the benefits of breast-feeding
42 and their rights as a breast-feeding mother.

43 (3) Therefore, the Legislature declares the intent of this
44 act is to inform mothers about the benefits of breast-feeding and
45 their rights as a breast-feeding mother in order to promote
46 increased rates of breast-feeding in Mississippi.



47 **SECTION 2.** As used in this act, the following words and
48 phrases have the meanings as defined in this section:

49 (a) "Employer" means a person engaged in business who
50 has one or more employees and shall include the state and its
51 political subdivisions.

52 (b) "Reasonable effort" means any effort that does not
53 impose an undue hardship on the operation of the employer's
54 business.

55 (c) "Undue hardship" means any action that requires
56 significant difficulty or expense when considered in relation to
57 factors such as the size of the business, its financial resources,
58 and the nature and structure of its operation.

59 (d) "Prenatal" means the period between conception to
60 birth.

61 (e) "Perinatal" means the period from twenty-two (22)
62 weeks of gestation to twenty-eight (28) days after birth.

63 (f) "Public place" means a place of increased patient
64 traffic within the maternal health care facility such as a lobby
65 area or waiting room.

66 (g) "Maternal health care facility" means any facility
67 that provides prenatal or perinatal care, including, but not
68 limited to, hospitals, clinics and other physician facilities.

69 (h) "Maternal health care provider" means any
70 physician, nurse or other authorized practitioner that attends to
71 pregnant women and mothers of infants.



72 (i) "Breast-feeding in Mississippi: Guidelines" is the
73 statement of rights outlined in Section 6 of this act.

74 **SECTION 3.** (1) All employers shall provide reasonable paid
75 or unpaid break time for an employee who needs to express breast
76 milk for her child.

77 (2) To the extent possible, break times shall run
78 concurrently with any paid break time.

79 (3) An employer shall make reasonable effort to provide a
80 private, secure, sanitary room or other location in close
81 proximity to the work area, other than a bathroom or toilet stall,
82 where employees can express milk, and this space shall include
83 access to an electrical outlet.

84 (4) Employer shall not discriminate against, discipline, or
85 take adverse action against an employee because they have elected
86 to exercise their right under this section.

87 **SECTION 4.** (1) All hospitals that provide birth services
88 must adopt an infant feeding policy that promotes and supports
89 breast-feeding. Infant feeding policies adopted under this
90 section shall include guidance on the use of formula (a) for
91 medically necessary supplementation; (b) if preferred by the
92 mother; or (c) when exclusive breast-feeding is not advised for
93 the mother and/or infant.

94 (2) This breast-feeding infant feeding policy must be
95 written down and all relevant hospital personnel, including, but



96 not limited to, obstetric and neonatal staff, must be trained in
97 the necessary skills to implement the policy.

98 (3) Hospitals must make a copy of their breast-feeding
99 infant feeding policy available to the State Department of Health
100 on request.

101 **SECTION 5.** (1) All maternal health care facilities in the
102 State of Mississippi are required to post a copy of the
103 "Breast-feeding in Mississippi: Guidelines" outlined in Section 6
104 of this act. A copy of such statement of rights shall be posted
105 conspicuously in a public place of each maternal health care
106 facility and shall be of an adequate size and font so as to be
107 easily read by all visitors and/or patients within the room or
108 space.

109 (2) The State Department of Health shall make available to
110 every maternal health care provider and maternal health care
111 facility, via its website, a template copy of the statement of
112 rights for use within their facilities. Maternal health care
113 providers and maternal health care facilities are free to choose
114 whether to use the Department of Health template or develop their
115 own copy as long as it includes the specific text outlined in
116 Section 6 of this act and comports to the visibility requirements
117 in subsection (1) of this section.

118 (3) The State Board of Health shall adopt any rules and
119 regulations necessary to ensure the display of these rights.



120 **SECTION 6.** The statement of rights or the "Breast-feeding in
121 Mississippi: Guidelines" to be displayed by maternal health care
122 facilities shall consist of the following statements:

123 **"Breast-feeding in Mississippi: Guidelines."**

124 (1) Breast milk provides the ideal nutrition for your baby,
125 creating the perfect mix of vitamins, proteins, minerals, and fats
126 that your baby needs to grow.

127 (2) Know the benefits:

128 (a) Breast-fed babies are generally healthier and have
129 lower incidences of illnesses such as diabetes, ear infections,
130 allergies, asthma, and childhood obesity.

131 (b) Breast-feeding has been linked to higher IQs in
132 children.

133 (c) Mothers who breastfeed have lower incidences of
134 breast cancer and ovarian cancer.

135 (d) Breast-feeding for even as short as the first week
136 can have a positive health impact on your child.

137 (3) Know your rights:

138 (a) You have the right to breast-feed in any location,
139 public or private, where you are otherwise authorized to be, which
140 includes hospitals, playgrounds, restaurants, and/or stores.

141 (b) You have the right to breast-feed openly and
142 outwardly without covering yourself if you so choose, and doing so
143 is not considered indecent and is not punishable by law.



144 (c) Your employer cannot discriminate against you for
145 using your designated break times to pump or nurse your child.

146 (d) You have the right to breast-feed your baby within
147 the first hour after birth.

148 (e) You have the right to request that your baby not
149 receive formula or pacifiers unless medically necessary.

150 (f) You have the right to ask that your baby be brought
151 to you, day or night, for regular feedings during your hospital
152 stay.

153 (4) The "Breast-feeding in Mississippi: Guidelines" shall
154 be revised as needed by the State Department of Health, to reflect
155 advances in research regarding breast-feeding and to incorporate
156 any additional rights of breast-feeding mothers as subsequently
157 granted by the Mississippi Legislature and hospitals are required
158 to post the revised version on the "Breast-feeding in Mississippi:
159 Guidelines" within three (3) months of its updated publishing.

160 (5) The State Department of Health shall make available to
161 every maternal health care facility, via its website, a template
162 copy of the guidelines for use within their facilities. Maternal
163 health care providers and maternal health care facilities are free
164 to choose whether to use the Department of Health template or
165 develop their own as long as it includes the specific text
166 outlined in subsection (2) and subsequent updates and comports
167 with the visibility requirements in subsection (1) of this
168 section.



169 **SECTION 7.** Section 17-25-9, Mississippi Code of 1972, is
170 amended as follows:

171 17-25-9. (1) A mother may breast-feed her child in any
172 location, public or private, where the mother is otherwise
173 authorized to be, without respect to whether the mother's breast
174 or any part of it is covered during or incidental to the
175 breast-feeding.

176 (2) Any corporation, manager, agency or person who violates
177 the provision of Section 17-25-9, Mississippi Code of 1972, shall
178 be guilty of a misdemeanor and, upon conviction, shall be fined
179 not less than Twenty-five Dollars (\$25.00) nor more than Two
180 Hundred Fifty Dollars (\$250.00) for each offense.

181 **SECTION 8.** This act shall take effect and be in force from
182 and after July 1, 2016.

