

LEGISLATION RELATED TO BREASTFEEDING

U.S. Pregnancy Discrimination Act

A woman's right to breastfeed and/or pump at work (without being discriminated against) is essentially protected under the Pregnancy Discrimination Act, an amendment made in 1978 to Title VII of the Civil Rights Act of 1964.

The Pregnancy Discrimination Act prohibits employers with fifteen or more employees, including state and local governments, from discriminating against women because of pregnancy, childbirth, or **related medical conditions**. It is enforced via the U.S. Equal Employment Opportunity Commission. We believe it is accurate to characterize breastfeeding as a "condition" that is "medically related" to pregnancy.

While this law prohibits discrimination, it does not specifically address employer accommodations for nursing (or pregnant) mothers. This is one of the reasons Colorado and fifteen other states have enacted more specific workplace lactation laws.

U.S. Breastfeeding Promotion Act

The Breastfeeding Promotion Act, currently being considered by Congress, would amend Title VII of the Pregnancy Discrimination Act to specifically protect breastfeeding. It would also provide tax incentives for businesses that establish private lactation areas in the workplace, a performance standard for breastpumps, and a tax deduction on breastfeeding equipment for families.

The bill (H.R. 2236) was introduced by Representative Carolyn Maloney (D-NY) and is co-sponsored by Representative Christopher Shays (R-CT).

State Laws

Nursing in public: To bolster federal support, currently thirty-nine states have specific laws covering the rights of mothers to breastfeed in any public or private location (as of June, 2008). They are:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont and Wyoming (also, the District of Columbia and the Virgin Islands)

Workplace breastfeeding: Seventeen states have laws supporting breastfeeding in the workplace (as of June, 2008). They are:

California, Colorado, Connecticut, Georgia, Hawaii, Illinois, Indiana, Minnesota, Mississippi, Montana (limited to state and local government and public universities), New Mexico, New York, Oklahoma, Oregon, Rhode Island, Tennessee, and Vermont (also, Puerto Rico)

Sources:

The Milk Memos, by Cate Colburn-Smith and Andrea Serrette, www.milkmemos.com
Jake Aryeh Marcus, JD, www.mamajake.com