



California Breastfeeding Laws and Regulations

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."

Breastfeeding Education and Support (2005, McDonald)
AB 977
Health and Safety Codes Sections 123360-123365

123360. (a) The State Department of Public Health shall include in its public service campaign the promotion of mothers breast-feeding their infants.

(b) 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.

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 breastfeeding information.

Human Milk (2006, Figueroa)

SB 246

California Health and Safety Code 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 Codes 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.

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.

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.