

- SUBJECT:** Establishing right of mothers to breast-feed their babies
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 14 ayes — Seidlits, S. Turner, Alvarado, Bosse, Carter, Craddick, Danburg, Hilbert, Hochberg, B. Hunter, D. Jones, McCall, Ramsay, Wolens
- 1 nay — Black
- WITNESSES:** For — Rega Richardson Wagget, Gordon G. Wagget, Wendy M. Merola, M.D., Barbara Wilson-Clay, Beverly Vaugh, Virginia Raymond, Hannah Riddering, Texas National Organization of Women, Qena A. McCarty, Dianne Stewart, Center for Public Policy Priorities, Roberta Claussen, Judith Ruder, Kristine Kovach, Cathy Liles, Myra West Lowrie, LVN
- Against — None
- On — Janet Rourke
- DIGEST:** CSHB 359 would add a chapter to the Health and Safety Code establishing a mother's right to breast-feed a baby in any public or private location where the mother is entitled to be. The bill also would establish legislative policy recognizing breast-feeding as the best method of infant nutrition, in compliance with the breast-feeding program of the federal Child Nutrition Act of 1966.
- A health care facility that provides maternity care and complies with World Health Organization (WHO) and UNICEF breast-feeding policies would be authorized to use the "baby-friendly" designation in promotional material. The Texas Department of Health would have the authority to work in cooperation with WHO and UNICEF in the implementation of baby-friendly initiatives. The department would keep a list of baby-friendly facilities, and this list would be available to the public. Any state agency that provides health care to pregnant women, mothers and children would have to make available breast-feeding information to them.
- CSHB 359 would require the health department to establish a demonstration project in Travis County providing worksite breast-feeding

accessibility for mothers with babies. The department would be required to administer the project and determine the benefits and costs of implementing worksite policies as well as develop policies that support worksite breast-feeding.

The department would also be required to report on the demonstration project to the governor and the Legislature by February 1, 1997. The report would have to include the policies developed, problems encountered, extent of use of the worksite facility, costs and benefits of the project and any other recommendations.

**SUPPORTERS
SAY:**

Nursing an infant is as natural as breathing and provides the healthiest choice of infant-nutrition for both mother and child. While no law prohibits breast-feeding in public, some in society discriminate against nursing mothers and their right to breast-feed their children. Nursing mothers are sometimes asked to leave public places to nurse or to interrupt or delay their child's nursing, a discriminatory policy that harms both mother and child.

Medical studies have shown numerous health benefits for mothers and children. Breast milk helps protect babies from food allergies and lowers the incidence of respiratory illness and ear infections. Mothers who breast feed have been shown to have lower rates of breast cancer. These health benefits are sound reason for the state to encourage breast feeding, as this bill would attempt to do.

If new mothers have support and the flexibility to be able to nurse their children when the children are hungry, more mothers might choose to nurse their babies. Such increased health benefits could mean lower insurance and health care costs which could translate into lower public health care costs for taxpayers.

The World Health Organization and UNICEF both encourage breast-feeding of children, if possible until they are at least two years old. Five states already have laws confirming a mother's right to breast-feed. New York law states that if a mother's right to breast-feed is interfered with her civil rights are being violated.

The Texas Department of Health has already implemented an in-house demonstration project for a worksite breast-feeding facility. It is so popular that employees have expressed the desire for another facility within the department.

OPPONENTS
SAY:

This bill is an example of government trying to micro-manage human conduct. Many in society view a woman's breasts as inappropriate for public display in any context. Being near a breast-feeding mother makes some people uncomfortable, and the state should remain sensitive to these feelings. Women who are encouraged to breast-feed children in public may put themselves in danger of unwanted sexual attention and harassment.

OTHER
OPPONENTS
SAY:

The bill fails to provide any penalties or enforcement mechanism against businesses or others who interfere with a woman's right to feed a child.

NOTES:

The original version of HB 359 would have required the board of health to adopt breast-feeding policy provisions and would have required the department to review and approve baby-friendly designations. It also would have included day care facilities in the designation of "baby friendly" facilities and exempted breast pumps from sales taxes.