

By: Representatives Banks, Paden

To: Public Health and Human Services; Judiciary A

HOUSE BILL NO. 611

1 AN ACT TO AMEND SECTIONS 41-135-1 AND 41-135-3, MISSISSIPPI  
2 CODE OF 1972, TO REVISE THE LEGISLATIVE FINDINGS AND INTENT AND  
3 DEFINITIONS FOR THE PURPOSES OF THE STATUTES SUPPORTING AND  
4 PROMOTING BREAST-FEEDING; TO AMEND SECTION 41-135-5, MISSISSIPPI  
5 CODE OF 1972, TO REQUIRE MATERNAL HEALTH CARE FACILITIES TO ADOPT  
6 AN INFANT FEEDING POLICY THAT SUPPORTS AND PROMOTES  
7 BREAST-FEEDING; TO AMEND SECTION 41-135-7, MISSISSIPPI CODE OF  
8 1972, TO REQUIRE ALL MATERNAL HEALTH CARE FACILITIES TO POST A  
9 COPY OF THE "BREAST-FEEDING IN MISSISSIPPI: GUIDELINES"  
10 CONSPICUOUSLY IN A PUBLIC PLACE ON THEIR PREMISES; TO REQUIRE THAT  
11 THOSE GUIDELINES INCLUDE CERTAIN STATEMENTS; TO AMEND SECTION  
12 41-135-9, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE  
13 DEPARTMENT OF HEALTH TO PROVIDE THE VIDEO PREPARED BY THE  
14 DEPARTMENT THAT CONTAINS INFORMATION ABOUT THE IMPORTANCE OF  
15 BREAST-FEEDING INFANTS TO OTHER STATE AGENCIES THAT PROVIDE  
16 BENEFITS TO WOMEN OF CHILD-BEARING AGE; TO CREATE NEW SECTION  
17 41-135-11, MISSISSIPPI CODE OF 1972, TO REQUIRE EMPLOYERS TO  
18 PROVIDE EMPLOYEES WITH A REASONABLE BREAK TIME AND A PRIVATE SPACE  
19 TO EXPRESS MILK DURING WORK HOURS; TO AMEND SECTION 17-25-9,  
20 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IT IS A MISDEMEANOR FOR  
21 ANY PERSON TO VIOLATE A MOTHER'S RIGHT TO BREAST-FEED HER CHILD IN  
22 ANY LOCATION WHERE SHE IS OTHERWISE AUTHORIZED TO BE; TO AMEND  
23 SECTIONS 43-20-31 AND 71-1-55, MISSISSIPPI CODE OF 1972, TO  
24 CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** Section 41-135-1, Mississippi Code of 1972, is  
27 amended as follows:

28 41-135-1. (1) The Legislature of the State of Mississippi  
29 acknowledges that extensive research demonstrates the wide-ranging



30 and compelling benefits of breast-feeding for infants, mothers,  
31 families \* \* \*, communities, businesses and the state, including:

32 (a) Numerous health benefits to the child, such as  
33 lower incidences of SIDS, childhood obesity, asthma, allergies and  
34 diabetes as well as increased intelligence and parental  
35 attachment;

36 (b) Numerous health benefits to the mother, such  
37 as \* \* \* significantly reduced risk of breast cancer, ovarian  
38 cancer, uterine cancer, postpartum \* \* \* depression, osteoporosis  
39 and reduced rates of obesity through increased postpartum weight  
40 loss; \* \* \*

41 (c) Significant economic and social benefits to the  
42 state, such as reduced health care costs \* \* \* and reduced  
43 employee absenteeism for care attributable to child illness, as  
44 well as \* \* \* significant economic benefits to families, as the  
45 United States Surgeon General estimates that the average family  
46 can save \* \* \* nearly One Thousand Five Hundred Dollars  
47 (\$1,500.00) during a baby's first year of life \* \* \* using optimal  
48 breast-feeding \* \* \* practices, in addition to reduced medical  
49 costs and lost wages attributable to child illness;

50 (d) Significant benefits to businesses and employers,  
51 including reduced health care costs, reduced employee absenteeism  
52 attributable to child illness, improved employee productivity,  
53 higher morale, and improved ability to attract and retain valuable  
54 employees;



55           (e) Significant economic benefits to the state through  
56 health care savings, estimated between Thirty-six Million Dollars  
57 (\$36,000,000.00) to One Hundred Thirty Million Dollars  
58 (\$130,000,000.00) annually, if Mississippi adopts recommended  
59 breast-feeding practices.

60           (2) The Legislature also recognizes that, despite these  
61 numerous benefits provided at no cost, \* \* \* Mississippi still has  
62 one of the lowest breast-feeding rates in the country, and \* \* \*  
63 mothers in Mississippi face many barriers to breast-feeding,  
64 including social stigma, lack of \* \* \* education, \* \* \* and lack  
65 of support.

66           (3) Therefore, the Legislature declares the intent of this  
67 chapter is to create policies that will support and promote  
68 breast-feeding in Mississippi, specifically by: \* \* \*

69           (a) Educating mothers about the benefits of  
70 breast-feeding and their rights as a breast-feeding mother \* \* \*;

71           (b) Ensuring that maternal health care facilities and  
72 employers become places of breast-feeding support and have  
73 policies to facilitate a mother's choice to breast-feed; and

74           (c) Removing the social stigma of breast-feeding  
75 through increased protections of existing breast-feeding rights.

76           **SECTION 2.** Section 41-135-3, Mississippi Code of 1972, is  
77 amended as follows:

78           41-135-3. As used in this chapter, the following words and  
79 phrases have the meanings as defined in this section:



80 ( \* \* \*a) "Breast-Feeding in Mississippi: Guidelines"  
81 is the statement of rights required by Section 41-135-7.

82 (b) "Employer" means a person engaged in business who  
83 has one or more employees and includes the state and its political  
84 subdivisions.

85 ( \* \* \*c) "Maternal health care facility" means any  
86 facility that provides prenatal or perinatal care, including, but  
87 not limited to, hospitals, clinics, pediatric offices, and  
88 other \* \* \* physical facilities.

89 ( \* \* \*d) "Maternal health care provider" means any  
90 physician, nurse or other authorized practitioner that attends to  
91 pregnant women and mothers of infants.

92 ( \* \* \*e) "Perinatal" means the period from twenty-two  
93 (22) weeks of gestation to twenty-eight (28) days after birth.

94 ( \* \* \*f) "Prenatal" means the period between  
95 conception to birth.

96 ( \* \* \*g) "Public place" means a place of \* \* \* high  
97 patient traffic within the maternal health care facility such as a  
98 lobby area or waiting room.

99 (h) "Reasonable effort" means any effort that does not  
100 impose an undue hardship on the operation of the employer's  
101 business.

102 (i) "Undue hardship" means any action that requires  
103 significant difficulty or expense when considered in relation to



104 factors such as the size of the business, its financial resources,  
105 and the nature and structure of its operation.

106 **SECTION 3.** Section 41-135-5, Mississippi Code of 1972, is  
107 amended as follows:

108 41-135-5. It is important that all Mississippi maternal  
109 health care facilities become places of breast-feeding support, as  
110 the information they disseminate and the support they provide to  
111 their patients often determine whether or not a mother chooses or  
112 is able to breast-feed. Therefore:

113 ( \* \* \*a) \* \* \* All maternal health care facilities  
114 shall adopt an infant feeding policy that promotes and supports  
115 breast-feeding. \* \* \* Infant feeding policies adopted under this  
116 section shall include guidance on the use of formula ( \* \* \*i) for  
117 medically necessary supplementation; ( \* \* \*ii) if preferred by  
118 the mother; or ( \* \* \*iii) when exclusive breast-feeding is not  
119 advised for the mother and/or infant.

120 ( \* \* \*b) \* \* \* This breast-feeding infant feeding  
121 policy \* \* \* shall be written down and all relevant \* \* \* maternal  
122 health care facility personnel, including, but not limited to,  
123 obstetric and neonatal staff, \* \* \* shall be trained in the  
124 necessary skills to implement the adopted policy.

125 ( \* \* \*c) \* \* \* Maternal health care facilities shall  
126 make a copy of their breast-feeding infant feeding policy  
127 available to the State Department of Health.



128           **SECTION 4.** Section 41-135-7, Mississippi Code of 1972, is  
129 amended as follows:

130           41-135-7. (1) \* \* \* All maternal health care facilities in  
131 the state \* \* \* shall post a copy of the \* \* \* "Breast-feeding in  
132 Mississippi: Guidelines" conspicuously in a public place \* \* \* on  
133 their premises and the copy shall be of an adequate size and font  
134 so as to be easily read by all visitors and/or patients within the  
135 room or space.

136           (2) The "Breast-feeding in Mississippi: Guidelines" shall  
137 include the following statements:

138                   (a) Breast milk provides the best source of nutrition  
139 for infants, supplying the perfect mix of vitamins and immunities  
140 that a child needs to grow and thrive.

141                   (b) Know the benefits:

142                           (i) Breast-fed babies are generally healthier and  
143 have significantly lower risks of illnesses such as diabetes, ear  
144 infections, allergies, asthma and obesity, and breast-feeding has  
145 been linked to higher IQs in children.

146                           (ii) Breast-fed babies have a much lower risk of  
147 sudden infant death syndrome (SIDS).

148                           (iii) Mothers also benefit from breast-feeding,  
149 having significantly lower risks of breast cancer, ovarian cancer,  
150 uterine cancer and postpartum depression.

151                           (iv) Even breast-feeding as short as the first  
152 week can have a positive health impact on a child.



153                   (c) Know the law:

154                   (i) A mother has the right to breast-feed in any  
155 location, public or private, where she is otherwise authorized to  
156 be, which includes hospitals, playgrounds, restaurants, and/or  
157 stores.

158                   (ii) A mother may breast-feed openly without  
159 covering herself if she chooses and doing so is not considered  
160 indecent and is not punishable by law.

161                   (iii) An employer cannot discriminate against a  
162 person for using their designated break time to pump or nurse a  
163 child.

164                   (iv) Parents may request that maternal health care  
165 facility staff not feed their baby formula or pacifiers unless  
166 medically necessary.

167                   (v) Parents may request that their baby be brought  
168 to them at any time during their maternal health care facility  
169 stay for regular feedings.

170                   ( \* \* \*3) The State Department of Health shall make  
171 available to every maternal health care provider and maternal  
172 health care facility, via its website, a template copy of  
173 the \* \* \* guidelines for use within their facilities. \* \* \*  
174 Maternal health care providers and maternal health care facilities  
175 are free to choose whether to use the Department of Health  
176 template or develop their own copy as long as it includes the  
177 specific text outlined in subsection (2) of this section and later



178 updates and comports to the visibility requirements in subsection  
179 (1) of this section.

180 ( \* \* \*4) The State Department of Health shall revise the  
181 "Breast-feeding in Mississippi: Guidelines" as needed to reflect  
182 advances in research regarding breast-feeding and to incorporate  
183 any additional rights of breast-feeding mothers as \* \* \* later  
184 granted by the \* \* \* Legislature, and \* \* \* maternal health care  
185 facilities shall post the revised version of the "Breast-feeding  
186 in Mississippi: Guidelines" within three (3) months of its  
187 updated publishing.

188 ( \* \* \*5) The State Board of Health shall adopt any rules  
189 and regulations necessary to ensure the display of these \* \* \*  
190 guidelines.

191 **SECTION 5.** Section 41-135-9, Mississippi Code of 1972, is  
192 amended as follows:

193 41-135-9. The State Department of Health shall prepare a  
194 video in an appropriate medium for presentation in offices of the  
195 department in which the department provides benefits to women of  
196 child-bearing age, which shall provide information about the  
197 importance of breast-feeding infants. Applicants for and  
198 recipients of any such benefits provided by the department may  
199 view the video in the offices of the department. The  
200 department \* \* \* shall provide the video to other state agencies  
201 that provide benefits to women of child-bearing age, for  
202 appropriate use by those agencies.





203           **SECTION 6.** The following shall be codified as Section  
204 41-135-11, Mississippi Code of 1972:

205           41-135-11. Encouraging and promoting breast-feeding provides  
206 significant benefits to both employees and employers. Therefore:

207                   (a) All employers shall provide reasonable paid or  
208 unpaid break time for an employee who needs to express breast milk  
209 for her child.

210                   (b) To the extent possible, break times shall run  
211 concurrently with any paid break time.

212                   (c) An employer shall make reasonable effort to provide  
213 a private, secure, sanitary room or other location in close  
214 proximity to the work area, other than a bathroom or toilet stall,  
215 where employees can express milk and this space shall include  
216 access to an electrical outlet.

217                   (d) Employers shall not discriminate against,  
218 discipline, or take adverse action against an employee because  
219 they have elected to exercise their right under this section.

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

222           17-25-9. (1) A mother may breast-feed her child in any  
223 location, public or private, where the mother is otherwise  
224 authorized to be, without respect to whether the mother's breast  
225 or any part of it is covered during or incidental to the  
226 breast-feeding.



227       (2) Any corporation, manager, agency or person who violates  
228 the provisions of this section is guilty of a misdemeanor and,  
229 upon conviction, shall be fined not less than Twenty-five Dollars  
230 (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00) for  
231 each offense.

232       **SECTION 8.** Section 43-20-31, Mississippi Code of 1972, is  
233 amended as follows:

234       43-20-31. The Department of Health shall promulgate  
235 regulations to ensure that licensed child care facilities shall be  
236 required to comply with the following:

237           (a) Breast-feeding mothers, including employees, shall  
238 be provided a sanitary place that is not a toilet stall to  
239 breast-feed their children or express milk. This area shall  
240 provide an electrical outlet, comfortable chair, and nearby access  
241 to running water.

242           (b) A refrigerator will be made available for storage  
243 of expressed breast milk following guidelines from the American  
244 Academy of Pediatrics and Centers for Disease Control in ensuring  
245 that breast milk is properly treated to avoid waste. Universal  
246 precautions are not required in handling human milk.

247           (c) Staff shall be trained in the safe and proper  
248 storage and handling of human milk.

249           (d) Breast-feeding promotion information will be  
250 displayed in order to positively promote breast-feeding to the  
251 clients of the facility.



252           (e) The requirements of Section 41-135-11 and such  
253 other requirements as the Board of Health finds desirable or  
254 necessary to promote and protect breast-feeding.

255           **SECTION 9.** Section 71-1-55, Mississippi Code of 1972, is  
256 amended as follows:

257           71-1-55. No employer shall prohibit an employee from  
258 expressing breast milk during any meal period or other break  
259 period provided by the employer. In addition, each employer shall  
260 comply with the requirements of Section 41-135-11.

261           **SECTION 10.** This act shall take effect and be in force from  
262 and after July 1, 2018.

