
By: Delegates Mandel, Pendergrass, Bobo, Goldwater, Pitkin, Conroy, Turner, Cadden, Franchot, Kagan, Petzold, Hurson, Hubbard, Howard, Frush, Menes, Rosapepe, Perry, Hecht, Love, Morhaim, and Nathan-Pulliam

Introduced and read first time: January 30, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maternal and Child Health - Lactation Project**

3 FOR the purpose of authorizing an employer to use the designation "family-friendly" in
4 its promotional materials if the employer develops a certain policy supporting the
5 practice of workplace breastfeeding; requiring the employer to submit a certain
6 breastfeeding policy information to the Department of Labor, Licensing, and
7 Regulation; requiring the Department to maintain a list of certain employers, to
8 make the list available for public inspection, and to make available to any employer
9 certain information provided to the Department by the Department of Health and
10 Mental Hygiene; requiring the Department of Health and Mental Hygiene to
11 establish and administer a certain maternal and child health lactation
12 demonstration project for certain employees of the Department and to provide
13 certain information concerning this project to the Department of Labor, Licensing,
14 and Regulation; requiring the Department of Health and Mental Hygiene to submit
15 a certain report to the Governor and the General Assembly by a certain time;
16 making certain legislative findings; defining a term; and generally relating to
17 maternal and child health.

18 BY repealing and reenacting, without amendments,
19 Article - Business Regulation
20 Section 1-101(a) and (f)
21 Annotated Code of Maryland
22 (1992 Volume and 1996 Supplement)

23 BY adding to
24 Article - Business Regulation
25 Section 19-102
26 Annotated Code of Maryland
27 (1992 Volume and 1996 Supplement)

28 BY repealing and reenacting, without amendments,
29 Article - Health - General
30 Section 1-101(a) and (c)

2

1 Annotated Code of Maryland
2 (1994 Replacement Volume and 1996 Supplement)

3 By adding to

4 Article - Health - General
5 Section 13-901 through 13-904, inclusive, to be under the new subtitle "Subtitle 9.
6 Maternal and Child Health Lactation Project"
7 Annotated Code of Maryland
8 (1994 Replacement Volume and 1996 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Business Regulation**

12 1-101.

13 (a) In this article the following words have the meanings indicated.

14 (f) "Department" means the Department of Labor, Licensing, and Regulation.

15 19-102.

16 (A) THE GENERAL ASSEMBLY FINDS THAT:

17 (1) BREASTFEEDING IS AN IMPORTANT AND BASIC ACT OF NURTURE
18 THAT SHOULD BE ENCOURAGED IN THE INTERESTS OF MATERNAL AND CHILD
19 HEALTH AND FAMILY VALUES;

20 (2) IN COMPLIANCE WITH THE BREASTFEEDING PROMOTION PROGRAM
21 ESTABLISHED UNDER THE FEDERAL CHILD NUTRITION ACT OF 1996,
22 BREASTFEEDING IS THE BEST METHOD OF CHILD NUTRITION; AND

23 (3) A MOTHER IS RESPONSIBLE TO BOTH HER JOB AND HER CHILD
24 WHEN SHE RETURNS TO WORK, AND HER CHOICE TO BREASTFEED BENEFITS HER
25 EMPLOYER, HER FAMILY, AND SOCIETY.

26 (B) AN EMPLOYER MAY USE THE DESIGNATION "FAMILY-FRIENDLY" IN ITS
27 PROMOTIONAL MATERIALS IF THE EMPLOYER DEVELOPS A POLICY THAT SUPPORTS
28 THE PRACTICE OF WORKPLACE BREASTFEEDING BY PROVIDING AN EMPLOYEE
29 WHO IS A MOTHER WITH:

30 (1) A PRIVATE PLACE IN WHICH THE MOTHER MAY EXPRESS BREAST
31 MILK OR BREASTFEED;

32 (2) ACCESS NEAR THE PRIVATE PLACE TO A CLEAN AND SAFE WATER
33 SOURCE WITH A SINK;

34 (3) ACCESS TO HYGIENIC STORAGE ALTERNATIVES IN THE WORKPLACE
35 FOR THE MOTHER'S BREAST MILK; AND

3

1 (4) A WORK SCHEDULE WITH FLEXIBILITY FOR BREASTFEEDING,
2 INCLUDING BREAKS AND WORK PATTERNS TO PROVIDE TIME FOR THE MOTHER TO
3 EXPRESS HER MILK OR BREASTFEED.

4 (C) (1) AN EMPLOYER THAT USES THE DESIGNATION "FAMILY-FRIENDLY"
5 IN ITS PROMOTIONAL MATERIALS SHALL SUBMIT ITS BREASTFEEDING POLICY TO
6 THE DEPARTMENT.

7 (2) THE DEPARTMENT SHALL:

8 (I) MAINTAIN A LIST OF EMPLOYERS THAT SUBMIT A POLICY
9 UNDER PARAGRAPH (1) OF THIS SUBSECTION AND MAKE THE LIST AVAILABLE FOR
10 PUBLIC INSPECTION; AND

11 (II) ON REQUEST, MAKE AVAILABLE TO ANY EMPLOYER
12 INFORMATION PROVIDED TO THE DEPARTMENT BY THE DEPARTMENT OF HEALTH
13 AND MENTAL HYGIENE UNDER § 13-903 OF THE HEALTH - GENERAL ARTICLE.

14 **Article - Health - General**

15 1-101.

16 (a) In this article the following words have the meanings indicated.

17 (c) "Department" means the Department of Health and Mental Hygiene.

18 SUBTITLE 9. MATERNAL AND CHILD HEALTH LACTATION PROJECT.

19 13-901.

20 IN THIS SUBTITLE, "TRAINED LACTATION SPECIALIST" MEANS:

21 (1) A LA LECHE LEAGUE LEADER OR OTHER PARAPROFESSIONAL WITH
22 A CERTIFICATION COMPARABLE TO THAT OF THE LA LECHE LEAGUE;

23 (2) A CERTIFIED LACTATION EDUCATOR;

24 (3) A CERTIFIED LACTATION CONSULTANT; OR

25 (4) A HEALTH CARE PROFESSIONAL WITH FORMAL LACTATION
26 MANAGEMENT TRAINING.

27 13-902.

28 THE DEPARTMENT SHALL:

29 (1) ESTABLISH AND ADMINISTER A MATERNAL AND CHILD HEALTH
30 LACTATION DEMONSTRATION PROJECT IN THE DEPARTMENT TO PROVIDE ACCESS
31 TO BREASTFEEDING IN THE WORKPLACE FOR EMPLOYEES OF THE DEPARTMENT
32 WHO ARE BREASTFEEDING MOTHERS;

33 (2) PROVIDE INFORMATION THAT ENCOURAGES AND SUPPORTS
34 BREASTFEEDING TO EMPLOYEES WHO:

35 (I) PARTICIPATE IN THE DEMONSTRATION PROJECT; AND

4

1 (II) ARE PREGNANT WOMEN OR BREASTFEEDING MOTHERS;

2 (3) DETERMINE THE BENEFITS OF, POTENTIAL BARRIERS TO, AND
3 POTENTIAL COSTS OF IMPLEMENTING POLICIES THAT SUPPORT WORKPLACE
4 BREASTFEEDING FOR EMPLOYEES IN THE DEMONSTRATION PROJECT;

5 (4) DEVELOP RECOMMENDATIONS TO SUPPORT THE PRACTICE OF
6 WORKPLACE BREAST FEEDING WHICH ADDRESS THE NEED OF BREASTFEEDING
7 MOTHERS FOR:

8 (I) A PRIVATE PLACE IN WHICH THE MOTHER MAY EXPRESS
9 BREAST MILK OR BREASTFEED;

10 (II) ACCESS NEAR THE PRIVATE PLACE TO A CLEAN AND SAFE
11 WATER SOURCE WITH A SINK;

12 (III) ACCESS TO HYGIENIC STORAGE ALTERNATIVES IN THE
13 WORKPLACE FOR THE MOTHER'S BREAST MILK;

14 (IV) A WORK SCHEDULE WITH FLEXIBILITY FOR BREASTFEEDING,
15 INCLUDING BREAKS AND WORK PATTERNS TO PROVIDE TIME FOR THE MOTHER TO
16 EXPRESS HER MILK OR BREASTFEED; AND

17 (V) INFORMATION ABOUT ACCESS TO A TRAINED LACTATION
18 SPECIALIST TO PROVIDE THE MOTHER WITH BREASTFEEDING EDUCATION AND
19 SUPPORT.

20 13-903.

21 THE DEPARTMENT SHALL PROVIDE THE RESULTS OF AND
22 RECOMMENDATIONS CONCERNING ITS DEMONSTRATION PROJECT TO THE
23 DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

24 13-904.

25 (A) THE DEPARTMENT SHALL SUBMIT A REPORT ON THE DEMONSTRATION
26 PROJECT TO THE GOVERNOR AND SUBJECT TO § 2-1312 OF THE STATE GOVERNMENT
27 ARTICLE, THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 1, 2000.

28 (B) THE REPORT THAT THE DEPARTMENT SUBMITS UNDER PARAGRAPH (1)
29 OF THIS SUBSECTION SHALL INCLUDE:

30 (1) A DESCRIPTION OF THE POLICIES DEVELOPED BY THE
31 DEPARTMENT FOR THE DEMONSTRATION PROJECT;

32 (2) A DESCRIPTION OF THE IMPLEMENTATION OF THE POLICIES
33 DEVELOPED BY THE DEPARTMENT FOR THE DEMONSTRATION PROJECT AND ANY
34 PROBLEMS ENCOUNTERED BY THE DEPARTMENT IN IMPLEMENTING THE POLICIES;

35 (3) THE EXTENT OF USE OF ANY BREASTFEEDING OR BREAST-PUMPING
36 FACILITIES BY EMPLOYEES OF THE DEPARTMENT;

5

1 (4) A SURVEY THAT ASSESSES THE LEVEL OF SATISFACTION BY USERS
2 AND SUPERVISORS OF USERS WITH THE BREASTFEEDING OR BREAST-PUMPING
3 FACILITIES AND WITH THE POLICIES OF THE DEPARTMENT;

4 (5) THE COSTS AND BENEFITS ASSOCIATED WITH THE DEMONSTRATION
5 PROJECT;

6 (6) A SUMMARY OF ANY ISSUES RAISED BY EMPLOYEES OF THE
7 DEPARTMENT CONCERNING THE DEMONSTRATION PROJECT; AND

8 (7) RECOMMENDATIONS FOR CHANGES NECESSARY FOR
9 IMPLEMENTING WORKPLACE BREASTFEEDING POLICIES THROUGHOUT THE STATE
10 IN THE PRIVATE SECTOR AND IN OTHER STATE AGENCIES.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1997.