

HOUSE JUDICIARY COMMITTEE
House Bill 1440
Courts- Parental Accommodations
February 27, 2025

POSITION: FAVORABLE

My name is Rachel Wagner. I am writing in support of HB1440.

I am a lifelong Marylander, and have lived in Baltimore City for the last 16 years. I am a mother of two who breastfed both children. I am a leader in my community, and have owned and operated a small business centered on maternal wellness for just over a decade. I have interacted with hundreds, maybe thousands, of parents since becoming one myself nearly twelve years ago, and I have heard far too many upsetting jury duty stories. I will share some, but not all, to highlight the fact that jury duty can be extremely stressful and inconvenient for families, and share how it can be quite inconvenient for a jury selection process or a trial to accommodate frequently lactating mothers.

Lee, a stay at home mother of two, asked to be excused from jury duty due to lack of childcare. Denied, she brought her children with her, and then was sent home and told not to bring them next time. Many single income households cannot afford for the only working parent to take off. Hiring a babysitter can also be costly, and children cannot simply fall under the care of strangers or even friends. In the absence of their primary caregiver, children may cry incessantly, make themselves sick, refuse to eat, or withhold bowel movements. The stress this puts on a family unit is completely unnecessary.

At four months postpartum, Carrie was called to appear for jury service on a hot August day. She had insufficient access to water throughout the day due to courtroom rules and empty water coolers. Carrie also found it difficult to take a lunch break, having to spend most of it trying to access the lactation room and pumping breast milk. A lactating mother needs her own nourishment in order to make food for her baby. Carrie was deprived of her basic needs, and ended the day dehydrated, with a migraine.

Laura and Bethany, two breastfeeding mothers who needed lactation breaks every few hours were both told by judges that, as lactating mothers, they would be an inconvenience to the court and were dismissed. This wasn't an insult to the mothers, just a fact. Similarly, Lindsay shared that she spent so much of the day asking for breaks, moving between buildings, and, while happy to serve, felt that "trials are not set up to accommodate individual jurors' needs to leave every 3 hours for 30 minutes." All lactating mothers who served jury duty also noted the lack of a sink with drinkable water to clean their pumping parts after each use and a place to air dry them, as is recommended by the CDC¹ and breast pump manufacturers².

¹ <https://www.cdc.gov/hygiene/about/about-breast-pump-hygiene.html>

² <https://www.medela.com/en/breastfeeding-pumping/articles/pumping-tips/cleaning-your-breast-pump-equipment>

The most upsetting stories I've heard, however, are similar to that of my friend Angelie who planned to submit her own testimony as well. Mothers who have only fed their children at the breast have been forced to attach a breast pump to their bodies for the first time, sometimes painfully, and then leave their child for the first time, knowing their child is not likely to drink from a bottle and instead cry for the entirety of the day. A mother should be able to make the choice to use a breast pump and be separated from her child; she should not be forced to do so by the government. That there is not already a law to protect this choice in our great state of Maryland is beyond me.

According to my research (included below), at least 30 states and Puerto Rico have adopted laws to excuse lactating mothers or primary care providing parents from jury duty. The first state to have exempted breastfeeding mothers enacted that law in 1994. Maryland has already failed to pass these kinds of laws twice - SB211 in 2003 and SB921 in 2008. I am asking this Committee to please vote favorably on HB1440 in 2025.

Thank you.

Rachel Wagner
Baltimore City, 21230

NOTE: Not all states were able to be researched due to time constraints. Some of the below was taken directly from: <https://www.ncsl.org/health/breastfeeding-state-laws> (2021) and https://www.everycrsreport.com/reports/RL32928.html#_Toc231698027 (2007)

State/Territory/US	Breastfeeding Link	Breastfeeding Exemption (Y/N)	Year	Excerpt of Law Text - Breastfeeding	Childcare Link	Childcare Exemption (Y/N)	Excerpt of Law Text - Childcare
Alabama	https://alison.legislature.state.al.us/files/pdf/SearchableInstruments/2025RS/SB76-eng.pdf	Y	2025	Parker's Law An individual asking to be excused under subdivision (b)(3) shall provide to the court a written statement that she is a nursing mother. (e)(1) A prospective juror excused pursuant to this section shall be exempt from jury service for a period of 24 months			
Alaska	https://www.akleg.gov/basis/Bill/Detail/24?Root=SB220#tab1_4	Maybe?	2006	SB220 read, mentions it will be enacted immediately, but not marked as passed, https://www.mamava.com/breastfeeding-law/alaska says mothers do not need to report in alaska		Maybe?	Alaska Stat. § 09.20.030(a) (2007) exempts a person from service as a juror upon showing that the health or proper care of the person's family makes it necessary for the person to be excused.
Arizona	https://www.azleg.gov/ars/21/00202.htm#:~:text=6...A%20judge%20or%20jury%20commissioner%20of%20the%20court%20for%20which,or%20a%20lack%20of%20transportation.	N		could be seen as childcare/nursing friendly, but sounds like it's left up to the judge: "(c) Undue or extreme physical or financial hardship is limited to the following circumstances in which a person: (i) Would be required to abandon a person under the prospective juror's care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury." AND "(e) A person who requests to be excused under this paragraph shall provide the judge or jury commissioner with documentation that supports the request to be excused, such as ... proof of dependency or guardianship or other similar documents. The judge or jury commissioner may excuse a person if the documentation clearly supports the request to be excused."			
Arkansas		N		Leaves it to the judge: "An individual may be excused if the judge finds that either the juror's health or family responsibilities reasonably require his or her absence."			
California	https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=210.9	Y	2000	to allow the mother of a breastfed child to postpone jury duty for a period of up to one year and that after one year, jury duty may be further postponed upon written request by the mother.			
Colorado	https://www.coloradojudicial.gov/sites/default/files/2024-04/Statutes%20and%20Rules.docx	Y	2015	A person who is breast-feeding a child and is temporarily unable to or chooses not to leave the child in order to serve on a jury must be excused temporarily from service as a juror for up to two consecutive twelve-month postponements			
Connecticut	https://www.cga.ct.gov/current/pub/chap_884.htm#sec_51-217b	Y	2012	the Judicial Branch will maintain a website providing prospective jurors with general information regarding jury service, including information for breastfeeding women regarding their ability to postpone jury service. The website will provide information for Jury Administration in the event			
Delaware	https://delcode.delaware.gov/title10/c045/index.html#4511	Y	2015	excuses women who are currently breastfeeding a child from jury service for at least one year.			
Florida	https://www.flsenate.gov/Session/Bill/2010/79/Analyses/20100079HCCJP_h0079b.CC.JP.pdf	Y	2024	March of 2023, lawmakers in Florida unanimously approved a measure that requires courthouses across the state to provide free, clean, and private lactation rooms. ntlly, Florida law provides that expecting mothers as well as any parent who is not employed full time and who has custody of a child under six years of age must be excused from jury service upon that person's request. Therefore, a mother who is breastfeeding and does not work or works part time may be excused from jury service under current law. However, a breastfeeding mother who works full time may not be excused from jury service. This bill provides that a mother who is breastfeeding a child under two years of age must be excused from jury service upon her request	https://www.everycrsreport.com/reports/RL32928.html#_Toc231698037	Y	Fla. Stat. Ann. § 40.013(4) (2006) provides that an expectant mother or a parent who is not employed full time and who has custody of a child under six years of age may, upon request, be excused from jury service. In addition, the statute provides that a person may be excused from jury service upon a showing of hardship, extreme inconvenience, or public necessity.
Georgia					https://www.everycrsreport.com/reports/RL32928.html#_Toc231698037	Y	Ga. Code Ann. § 15-12-1(3) (2006) provides an exemption for jury duty to "any person who is the primary caregiver having active care and custody of a child under six years of age or younger..."
Hawaii	https://casetext.com/statute/hawaii-revised-statutes/division-4-courts-and-judicial-proceedings/title-20	Y	2016	A woman who is breastfeeding a child or expressing breast milk for a period of two years from the birth of the child.			
Idaho	https://legislature.idaho.gov/statutesrules/idstat/Title2/T2CH2/SECT2-212/	Y	2002	provides that a person who is not disqualified for jury service under § 2-209 may have jury service postponed by the court or the jury commissioner only upon a showing of undue hardship, extreme inconvenience, or public necessity, or upon a showing that the juror is a mother breastfeeding her child.			
Illinois	https://nebraskalegislation.gov/laws/statutes.php?statute=25-1650	Y	2005	amends the Jury Act; provides that any mother nursing her child shall, upon her request, be excused from jury duty.	https://www.everycrsreport.com/reports/RL32928.html#_Toc231698037	Y	705 Ill. Comp. Stat. Ann. § 305/10.2(b) (2006). A person may be excused from jury service upon showing that jury service would impose an undue hardship on account of the nature of the prospective juror's family situation. It is further provided that when an undue hardship caused by a family situation is due to the prospective juror being the primary caregiver of a child under age 12, the juror is to be excused if the jury commissioner finds that no reasonable alternative care is feasible which would not impose an undue hardship on the prospective juror.
Indiana		N				N	Southern Dist of Indiana only: "a person having active care and custody of a child under ten (10) years of age whose health and/or safety would be jeopardized by any absence for jury service; or a person who is essential to the care of aged or infirm person(s);"
Iowa	https://www.legis.iowa.gov/docs/code/2019/607A_5.pdf	Y	1994	allows a woman to be excused from jury service if she submits written documentation verifying, to the court's satisfaction, that she is the mother of a breastfed child and is responsible for the daily care of the child.			

NOTE: Not all states were able to be researched due to time constraints. Some of the below was taken directly from: <https://www.ncsl.org/health/breastfeeding-state-laws> (2021) and https://www.everycrsreport.com/reports/RL32928.html#_Toc231698027 (2007)

State/Territory/US	Breastfeeding Link	Breastfeeding Exemption (Y/N)	Year	Exerpt of Law Text - Breastfeeding	Childcare Link	Childcare Exemption (Y/N)	Exerpt of Law Text - Childcare
Kansas	http://kslegislature.org/li/b2019_20/statute/043_00_0000_chapter/043_001_000_article/043_001_0058_section/043_001_0058_k/	Y	2006	allows a mother breastfeeding her child to be excused from jury service and allows jury service to be postponed until the mother is no longer breastfeeding the child.			
Kentucky	https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=21127	Y	2007	directs judges at all levels of the court to excuse women who are breastfeeding or expressing breast milk from jury service until the child is no longer nursing.			
Louisiana							
Maine		N	2007	bill proposed, not passed. site says "You can ask to postpone your jury service."		N	2007 proposed for children under 10
Maryland	https://www.mdcourts.gov/jury/service/faqs	N	2003	NA - seems to be left up to individual jurisdictions; Introduced in both 2003 and 2008 by Sen. Nancy Jacobs, not passed.			
Massachusetts	https://www.mass.gov/info-details/learn-about-juror-eligibility-and-disqualification	N		If you're a breastfeeding mother, you are still qualified to perform jury service. Every courthouse is prepared to accommodate breastfeeding mothers who need a private space to pump. You can also postpone your service for up to a year if you prefer, or request a hardship transfer to a more convenient location, depending on your situation.			
Michigan	http://www.legislature.mi.gov/(by1cpbe3gsnobsy42axebl1)/mleg.aspx?page=getObject&objectName=mcl-600-1307a-amended	Y	2012	provides an exemption for nursing mothers from jury service for the period during which she is nursing her child. The mother is exempt upon making the request if she provides a letter from a physician, lactation consultant, or a certified nurse midwife verifying that she is a nursing mother.			
Minnesota		Maybe	2000	<i>Is this a law or a proposed law? It's not on their FAQ page as a reason for exemption and not on the NCSL site.</i> 2000 Minn. Laws Ch. 2696 allows a nursing mother, upon request, to be excused from jury service if she is not employed outside of her home and if she is responsible for the daily care of the child.			
Mississippi	https://advance.lexis.com/documentpage/?pdmfid=1000516&crd=94ad819c-8f4f-4ee3-afa3-552712e6dc01&ordefid=AA1A	Y	2006	provides that breastfeeding mothers may be excused from serving as jurors.			
Missouri	https://revisor.mo.gov/main/OneSection.aspx?section=494430&bid=47689&hl=	Y	2014	allows a nursing mother, upon her request, and with a completed written statement from her physician to the court certifying she is a nursing mother, to be excused from service as a petit or grand juror.			
Montana	https://leg.mt.gov/bills/mca/title_0030/chapter_0150/part_0030/section_0130/0030-0150-0030-0130.html	Y	2009	specifies that the court may excuse a person from jury service upon finding that it would entail undue hardship for the person; an excuse may be granted if the prospective juror is a breastfeeding mother.			
Nebraska	https://nebraskalegislature.gov/laws/statutes.php?statute=25-1650	Y	2003	states that a nursing mother is excused from jury duty until she is no longer nursing her child and that she may be required to file a qualification form supported by a certificate from her physician requesting exemption.			
Nevada							
New Hampshire							
New Jersey					https://www.everycrsreport.com/reports/RL32928.html#_Toc231698037	Y	N.J. Rev. Stat. Ann. § 2B:20-10(c)(3) (2007) provides an excuse from jury service for a prospective juror having a personal obligation to care for another, including a minor child, who requires the prospective juror's personal care and attention, and no alternative care is available without severe financial hardship on the prospective juror or the person requiring care.
New Mexico							
New York	http://public.leginfo.state.ny.us/lawsrchr.cgi?NVLWO	Y	2019	amends the Judiciary Law, provides an exemption from jury duty for breastfeeding women, allows that such breastfeeding mother's jury duty shall be postponed up to a certain period after the date on which such service otherwise to commence.			
North Carolina							
North Dakota							
Ohio							
Oklahoma	http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=439626	Y	2004	exempts mothers who are breastfeeding a baby from jury duty, upon their request.			

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Oregon	https://www.oregonlegislature.gov/bills_laws/ors/ors010.html	Y	1999	excuses a woman from acting as a juror if the woman is breastfeeding a child. A request from the woman must be made in writing.			
Pennsylvania	https://www.legis.state.pa.us/cfdocs/legis/li/consCheck.cfm?txtType=HTM&ttl=42&div=00.&chpt=045.&sctn=003.&subscn=000	Y	2015	allows breastfeeding women who request to be excused, to be exempt or excused from jury duty.			
Puerto Rico	https://advance.lexis.com/documentpage/?pdmfid=1000516&crld=769e7c76-68a4-4cbf-b86f-43394ba2235a&nodeid=ABOAAIAQAUAJ&nodepath=%2FROOT%2FABO%2FABOAAI%2FABOAAIAQA%2FABOAAIAQAUAJ&level=4&haschildren=&populated=false&title=%2%A7+1735h.+People+exempt+from+servng+as+jurors&config=00JABkODU1MGi4OC1hMmRkLTQ2MGYtOGY1NS03YVjOWM4YjJlZjAKAFBvZENhdGFsb2d0HkId62IjBDGzN8H7IV&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5CFX-33F1-66SD-84HG-00008-00&ecomp=38_kkk&prid=9db6927a-725d-4c3a-b14f-21abc28c01fc	Y	2003	states that any woman breastfeeding her child under 24 months old and who presents a medical attestation to such fact is exempt from serving as a juror.			
Rhode Island	https://webserver.rilegislature.gov/Statutes/TITLE28/28-5/28-5-7.4.HTM? https://webserver.rilegislature.gov/BillText/BillText19/HouseText19/H5286.pdf	N		Bill introduced in 2019			
South Carolina					https://www.everycrsreport.com/reports/RL32928.html#_Toc231698027	Y	S.C. Code Ann. § 14-07-860(B)(1) (2006) provides authority to a judge to excuse jurors for good cause if the person has legal custody and the duty of care for a child less than seven years of age.
South Dakota	http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=16-13-10.4	Y	2012	provides for an exemption from jury duty for a mother who is breastfeeding a baby younger than one year. A written notice requesting an exemption must be submitted to the clerk of court within ten days of receiving the summons for jury duty.			
Tennessee					https://www.everycrsreport.com/reports/RL32928.html#_Toc231698027	Y	Tenn. Code Ann. § 22-1-104(b) (2006) provides an excuse from jury service upon a showing that service will constitute an undue hardship and upon making an oath that the person will, if excused, be caring for the person's child, children, grandchild or grandchildren, or ward.
Texas					https://www.everycrsreport.com/reports/RL32928.html#_Toc231698027	Y	Tex. Code Crim. Proc. Code Ann. Art. 19.25 [356][407][395](2) (2006) provides that a person responsible for the care of a child younger than eighteen years may be excused from grand jury service. Tex. Gov't Code Ann. § 62.106(a)(2) (2006) provides that a person qualified to serve as a petit juror may establish an exemption from jury service if the person has legal custody of a child younger than ten years of age and the person's service on the jury requires leaving the child without adequate supervision.
US Congress	https://www.congress.gov/bills/118th/congress/house-bill/6908/text	N	2023	Introduced and just sitting there?			
Utah	https://le.utah.gov/xcode/Title78B/Chapter1/78B-1-S109.html?v=C78B-1-S109_2015051220150512	Y	2015	a court may excuse an individual from jury service upon showing the individual is a mother who is breastfeeding a child. The individual must make the showing by affidavit, sworn testimony, or other competent evidence.			
Vermont		N		May ask but not guaranteed		N	May ask but not guaranteed

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Virginia	https://law.lis.virginia.gov/vacode/title8.01/chapter11/section8.01-341.1/	Y	2005	provides that a mother who is breastfeeding a child may be exempted from jury duty upon her request.	https://www.everycrsreport.com/reports/RL32928.html#_Toc231698027	Y	Va. Code Ann. § 8.01-341(8) (2006) provides for an excuse from jury duty for "a person who has legal custody of and is necessarily and personally responsible for a child or children 16 years of age or younger...."
Washington		N		found proposed bill from 2020 but still wording is not supportive		N	May ask but not guaranteed
West Virginia							
Wisconsin							
Wyoming	https://wyoleg.gov/2007/Introduced/HB0105.pdf	Maybe?	2006	Breastfeeding bill in 2007 (pending), but also might be covered in -->	https://www.everycrsreport.com/reports/RL32928.html#_Toc231698027	Y	Wyo. Stat. Ann. § 1-11-104 (2006) provides that a person may be excused from jury duty when the care of that person's young children requires his absence.