

BREASTFEED ANYWHERE, ANYTIME

The law supports breastfeeding parents

A lactating parent may breastfeed their child in any location, public or private, where the parent and child are authorized to be present. (Cal. Civil Code § 43.3.)

A breastfeeding mother may postpone jury duty for as long as they are breastfeeding by indicating that they are breastfeeding on the jury summons form. (Cal. Civ. Proc. Code § 210.5; Cal. Rules of Court, rule 2.1006.)

Under the Affordable Care Act, generally preventive care such as breastfeeding support, supplies, and counseling **must** be covered by health plans with no cost sharing. (www.hrsa.gov/womensguidelines/)

- Breast pumps and supplies that assist lactation are tax deductible medical expenses. (www.irs.gov)

Hospitals must provide information on where to receive breastfeeding education or make available a breastfeeding consultant. (Cal. Health & Safety Code §§ 123360, 123365.)

The procurement, processing, distribution or use of human milk for the purpose of human consumption is **considered to be a service**, not the sale of human milk. (Cal. Health & Safety Code § 1647.)

All public and charter schools must provide lactating students with a private, secure room with an electric outlet and a place to safely store expressed breast milk. (Cal. Education Code § 222.)

Lactating people are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all businesses. (Cal. Civil Code §§ 51-53.)

Advocate for yourself and other breastfeeding parents.

Learn more at breastfeeding.org or

Call 1-800-371-MILK (6455)



BREASTFEEDING PARENTS IN THE WORKPLACE

It is unlawful for an employer to discriminate against someone based on sex, which includes because of breastfeeding. (Cal. Gov't Code § 12921(a), § 12926(r)(1)(c).)

Employers must provide a clean, safe, and private room that contains a place to sit, a shelf or table to place a breast pump and other items, and access to electricity. The room must be near the employee's work area and cannot be a bathroom. (Cal. Labor Code § 1031.)

Employers must provide lactating employees with access to a refrigerator or other cooling device and sink with running water. (Cal. Labor Code § 1031.)

Employers must provide a reasonable amount of break time for a lactating employee to express breast milk. (Cal. Labor Code § 1030.)

Lactating parents may request accommodations from their employers, if needed. Typically lactation is not a disabling condition requiring disability leave, but some people may need to be transferred to a less strenuous or hazardous position or need other reasonable accommodations. (2 CCR § 11035(d).)

An employee may take pregnancy disability leave for any medically recognized physical or mental condition related to pregnancy or childbirth, including lactation-related medical conditions such as mastitis. (2 CCR § 11035(u).)

Employers must implement a policy that provides a process by which their employees can request lactation accommodations, and includes the employee's right to file a complaint if their rights have been violated. (Cal. Labor Code §§ 1030 - 1034.)



Breastfeeding Rights Line/File a Complaint
California Labor Commissioner's Office:
833-LCO-INFO (833-526-4636)

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