

AN ACT

Codification  
District of  
Columbia  
Official Code

2001 Edition

2008 Winter  
Supp.

West Group  
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Human Rights Act of 1977 to include breastfeeding as part of the definition of discrimination on the basis of sex, to ensure a woman's right to breastfeed in any location where she has the right to be with her child, public or private, to require employers to provide reasonable daily unpaid break periods and a sanitary location so that breastfeeding mothers are able to express breast milk for their children, and to require the Department of Health to monitor breastfeeding rates in the District of Columbia and the number and nature of complaints regarding violations of this act received by the Office of Human Rights.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child's Right to Nurse Human Rights Amendment Act of 2007".

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended as follows:

(a) Section 105 (D.C. Official Code § 2-1401.05) is amended as follows:

Amend  
§ 2-1401.05

(1) The section heading is amended by striking the phrase "or related medical conditions" and inserting the phrase "related medical conditions, or breastfeeding" in its place.

(2) Subsection (a) is amended by striking the phrase "or related medical conditions" and inserting the phrase "related medical conditions, or breastfeeding" in its place.

(3) Subsection (b) is amended by striking the phrase "or related medical conditions" and inserting the phrase "related medical conditions, or breastfeeding" in its place.

(b) Title II is amended by adding a new part I to read as follows:

"PART I – Breastfeeding Mothers

"Sec. 281. Findings and purposes.

"(a) The Council finds that:

New  
§ 2-1402.81

"(1) The encouragement of a public acceptance of breastfeeding is consistent with the promotion of family values between a mother and her child and no mother should be made to feel incriminated or socially ostracized for breastfeeding her child.

"(2) Breastfeeding a baby constitutes a basic act of nurturing to which every mother and child has a right and which should be encouraged in the interests of maternal and child health.

“(3) Breastfeeding provides significant health benefits to both the mother and child. Breastfeeding provides maternal protection from breast cancer, osteoporosis, urinary tract infections, and other cancers. Studies indicate that if every mother in the United States breastfed their children for 2 years, breast cancer could decline by 25%.

“(4) Social constraints of modern society weigh against the choice of breastfeeding and often result in new mothers opting to choose formula feeding to avoid embarrassment, social ostracism, or criminal prosecution.

“(5) Studies show that babies who are not breastfed have higher rates of death, meningitis, childhood leukemia and other cancers, diabetes, respiratory illnesses, bacterial and viral infections, diarrhoeal diseases, otitis media, allergies, obesity, and developmental delays. Breastfeeding may also raise a baby’s intelligence quotient.

“(6) To attain an optimal, healthy start in life, the Surgeon General of the United States and the American Academy of Pediatrics recommend that babies from birth to at least one year of age be breastfed unless medically contraindicated. In addition, the World Health Organization and UNICEF have established the encouragement of breastfeeding as one of their major goals for the decade.

“(7) Despite these recommendations, statistics reveal a declining percentage of mothers are choosing to breastfeed their children. Nearly 50% of all new mothers are now choosing formula over breastfeeding before they leave the hospital, only 20% are still breastfeeding when their babies are 6 months of age, and only 6% are still breastfeeding when their babies are one year of age.

“(b) This part has the following purposes:

“(1) To increase the incidence and duration of breastfeeding as a goal for optimal maternal and child health and nutrition;

“(2) To enable women who so choose to freely breastfeed their children so that infants may be fed exclusively on breast milk from birth to 4 to 6 months of age;

“(3) To further enable women to breastfeed while giving appropriate and adequate complementary foods to children for up to 2 years of age or beyond; and

“(4) To create an appropriate environment of awareness and support so that women can breastfeed and thereby achieve an ideal child nutrition option.

“Sec. 282. Rights of breastfeeding mothers.

“(a) For the purposes of this section, the term:

“(1) “Reasonable efforts” means any effort that would not impose an undue hardship on the operation of an employer’s business.

“(2) “Undue hardship” means any action that requires significant difficulty or expense when considered in relation to factors such as the size of the business, its financial resources, and the nature and structure of its operation.

“(b) It shall be an unlawful discriminatory practice to deny a woman any right provided under this section.

“(c)(1) A woman shall have the right to breastfeed her child in any location, public or private, where she has the right to be with her child, without respect to whether the mother’s

New  
§ 2-1402.82

breast or any part of it is uncovered during or incidental to the breastfeeding of her child.

“(2) Notwithstanding any other provision of District of Columbia law governing indecent exposure or the definition of the private or intimate parts of a female person, including that portion of the breast that is below the top of the areola, a woman shall have the right to breastfeed in accordance with this section.

“(d)(1) An employer shall provide reasonable daily unpaid break periods, as required by the employee, so that the employee may express breast milk for her child to maintain milk supply and comfort. If any break period, paid or unpaid, is already provided to the employee by the employer, the break period required shall run concurrently with the break periods already provided. Notwithstanding the foregoing, an employer shall not be required to provide break periods if it would create an undue hardship on the operations of the employer.

“(2) An employer shall make reasonable efforts to provide a sanitary room or other location in close proximity to the work area, other than a bathroom or toilet stall, where an employee can express her breast milk in privacy and security. The location may include a childcare facility in close proximity to the employee’s work location.

“Sec. 283. Duties of the Department of Health.

New  
§ 2-1402.83

“The Department of Health shall monitor breastfeeding rates in the District of Columbia, the number and nature of complaints regarding violations of this part received by the Office of Human Rights, and any benefits reported by working breastfeeding mothers and employers to the Department of Health. The Department of Health shall issue annual reports of its findings to the Council.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

**ENROLLED ORIGINAL**

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia