

Slide 1

**Legislation and Sausage:  
Creating Breastfeeding Law  
in Mississippi**



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Slide 2

**Essential Elements of a  
Public Breastfeeding Law**

- ❖ **Enforcement Provision**
- ❖ **No limit on way one breastfeeds (no mention of “discretion” or similar terms)**
- ❖ **Supercedes right of property owner to convert mother to trespasser**

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Slide 3

**Elements of a Perfect Public  
Breastfeeding Statute**

**Clarifies that breastfeeding/lactation discrimination” is “sex discrimination” by amending state civil rights act.**

**Sort of done in MS by outlawing discrimination**

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Slide 4

### MS Public Breastfeeding Law

Mississippi

#### Public Breastfeeding Law

§ 17-25-9. The courts, municipalities or other political subdivisions shall enact any ordinance restricting a woman's right to breast-feed her child until such time as the state legislature or a county, municipality or other political subdivision to enact such an ordinance.

Section 1. A mother may breast-feed her child in any location, public or private, unless the mother is otherwise authorized to be, without regard to whether the mother or any part of it is covered during or subjected to the breast-feeding.

For the purposes of this section, the term "nude" means unclothed, or has that person's covered, prepubertal human genitalia, pubic areas, the prepubertal human breast exposed in a point immediately above the top of the areola, or the covered human breast exposed in a direction toward any, the exposure of the areola, or the breast breast or covered prepubertal of the nipple only or the nipple and areola only are unclothed. However, the term "nude" does not include a woman breast-feeding if her child is clothed or not the breast or any part of it is exposed as any element of breastfeeding.

(1) The act of breast-feeding shall not constitute disorderly conduct.

(2) The act of breast-feeding shall not constitute a breach of the peace.

Enforcement Provision

None

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### Mississippi's Public Breastfeeding Proposed Amendment

**(2) Any corporation, manager, agency or person who violates the provision of Section 17-25-9, Mississippi Code of 1972, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each offense.**

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### Essential Elements of a State Workplace Pumping Statute

- **“must/shall” not “may”**
- **Breaks (Most state labor law doesn't require employee break time)**

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**Additional Essential Elements of a State Workplace Pumping Statute**

- **Enforcement provision**
- **Provide place to pump**
- **Private**
- **Near work station**
- **Not a bathroom**

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**Element that Would be Good**

- **Paid**

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Slide 9

**Mississippi Workplace Pumping Law**

Workplace Pumping Law

2009 Mississippi Code  
 TITLE 71 - LABOR AND INDUSTRY  
 Chapter 1 - Employer and Employee  
 § 71-1-55 - Discrimination against breast-feeding mother who uses lawful break time to express milk prohibited.  
 § 71-1-55. Discrimination against breast-feeding mother who uses lawful break time to express milk prohibited.  
 No employer shall prohibit an employee from expressing breast milk during any meal period or other break period provided by the employer.  
 Sources: Laws, 2006, ch. 520, § 12, eff. from and after passage (approved Apr. 3, 2006).

Enforcement Provision  
 § 71-1-55. Penalty for violation of this chapter  
 Any corporation or person or manager of any company or partnership who violates any of the provisions of this chapter for which a penalty is not otherwise provided shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each offense, and each day's violation shall constitute a separate offense.

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### Mississippi's Workplace Pumping Proposed Amendment

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

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

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

(4) Employer shall not discriminate against, discipline, or take adverse action against an employee because they have elected to exercise their right under this section."

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Slide 11

### Steps to Creating Legislation

1. Find a legislator and co-sponsors
2. Gather your forces
3. Introduce a better bill than you think you can get
4. Know what you are willing to give up
5. Negotiate
6. Set your limit - where will you sink the bill rather than take a bad bill, e.g. Iowa

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### What Happened in Iowa

**Iowa's Senate Bill called "The Family Friendly Workplace Act." As passed by the Iowa Senate, the Act required that Iowa employers provide unpaid breaks and private space for employees who needed to pump breast milk while at work.**

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**Then What Happened in Iowa**

**[In Iowa state House, Rep.]**

**"introduced an amendment that would require a pregnant woman to notify an employer 60 days before giving birth that she plans to breast-feed and needs time and accommodations to express milk at work.**

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**Then What Happened in Iowa**

**She would also have to sign and notarize an agreement that states the intent and manner in which she plans to pump her breast milk."**

Breast-milk Backers Irked, Molly Hottle, Associated Press, March 24, 2010.  
<http://www.omaha.com/article/20100324/NEWS0170325999>  
7 (last accessed January 9, 2011).

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**Who Are the Players?**

- 1. Legislators (and co-sponsors) - unicameral makes it easier**
- 2. State Breastfeeding Coalition**
- 3. State Chamber of Commerce**
- 4. State Medical Association**
- 5. Citizen**

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**Who Has What Interest?**

**Legislator**

**Represents YOU but...  
represents all the other interest  
groups as well.**

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**Who Has What Interest?**

**State Breastfeeding Coalition**

- Promotes breastfeeding
- Probably has no cash or lobbyist
- May not be connected to groups of currently breastfeeding women

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**Who Has What Interest?**

**State Chamber of Commerce**

- Business owners

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**Who Has What Interest?**

**State Medical Association**

- **Doctors**
- **Lose nothing by supporting breastfeeding legislation but don't know much about it**
- **Have lobbyists**

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Slide 20

**Who Has What Interest?**

**Citizens**

**That's you.**

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