

THE LAW SUPPORTS BREASTFEEDING PARENTS

Breastfeed anywhere, anytime.

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.)



Advocate for yourself and other breastfeeding parents.
See more information at www.breastfeeding.org.

- A breastfeeding parent may postpone jury duty for as long as they are breastfeeding by indicating that they are breastfeeding on the jury summons form. (Cal Civil Code §210.5.)
- 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 are tax deductible medical devices. (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 store expressed breastmilk. (Cal. Education Code § 222.)
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BREASTFEEDING PARENTS IN THE WORKPLACE

- Employers must provide a clean, secure, and private room that contains a chair, a shelf or table to place a breast pump and other equipment, and an electric outlet. The room cannot be a bathroom. (Cal. Labor Code §1030-1033.)
- Employers must provide lactating employees with access to a refrigerator and sink. (Cal. Labor Code §1030-1033.)
- Employers must provide a reasonable amount of break time for a lactating employee to express breastmilk. (Cal. Labor Code §1030-1033.)
- Lactating parents may request accommodations from their employers, if needed. Typically lactation is not a disabling condition requirement accommodations, but some people may need to be transferred to a less strenuous or hazardous position or need other reasonable accommodations. (2 CCR § 7921.2(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 § 7921.2(u).) Lactating people are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all businesses. (Cal. Civil Code §§ 51-53.)

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