

THE BREASTFEEDING PROMOTION ACT

(Prepared by the Office of Congresswoman Carolyn Maloney)

- Summary -

Overview:

The Breastfeeding Promotion Act serves to cover four purposes:(1) to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers,(2) to provide tax incentives for businesses that establish private, lactation areas in the workplace, (3) to provide for a performance standard for breast pumps, and (4) to allow breastfeeding equipment to be tax deductible for families. The purposes of this act are to promote the health and well-being of infants whose mothers return to the workplace after childbirth, and to clarify that breastfeeding and expressing breast milk in the workplace are protected conduct under the amendment made by the Pregnancy Discrimination Act of 1978.

Findings:

Statistical surveys of families show that over 50 percent of mothers with children less than one year of age are in the labor force. Whereas women with infants and toddlers are a rapidly growing segment of the labor force today, arrangements must be made to allow a mother's expressing of milk if mother and child must separate.

The American Academy of Pediatrics recommends that mothers breastfeed exclusively for six months but continuing for at least the first year of a child's life. Research studies show that children who are not breastfed have higher rates of mortality, meningitis, some types of cancers, asthma and other respiratory illnesses, bacterial and viral infections, diarrhoeal diseases, ear infections, allergies, and obesity.

Summary:

The Breastfeeding Promotion Act includes four provisions:

- **Protects Breastfeeding Under Civil Rights Law:** the bill clarifies the Pregnancy Discrimination Act of 1978 to protect breastfeeding under civil rights law. This will ensure that women cannot be fired or discriminated against in the workplace for expressing milk or breastfeeding during lunch or breaks.
- **Provides Tax Incentives for Employers:** with more than half of mothers with infants (less than one year of age) in the work force, it is important to promote a mother-friendly work environment. The bill encourages employers to set up a safe, private, and sanitary environment for women to express (or pump) breast milk by providing a tax credit for employers who set up a lactation location, purchase or rent lactation-related equipment, hire a lactation consultant or otherwise promote a lactation-friendly work environment. Many companies would be able to receive a tax credit of up to fifty percent of their related expenses.
- **Seeks Minimum Safety Standards for Breast Pumps:** the bill requires the Food and Drug Administration to develop minimum quality standards for breast pumps to ensure that products on the market are safe and effective based on efficiency, effectiveness, and sanitation factors (in addition to providing full and complete information concerning breast pump equipment).
- **Allows Breastfeeding Equipment to Be Tax Deductible:** the bill amends the tax laws to include breastfeeding equipment and services as deductible medical care expenses.