



Breastfeeding Friendly Health Departments (BFHD)

BUILDING CAPACITY THROUGH THE 10 STEP PROCESS

Step 7 - Support mothers in initiating and maintaining breastfeeding up to 12 months and beyond.

Inform Mothers of State and Federal Breastfeeding Laws

Breastfeeding women are provided protection under both federal and state laws. The Patient Protection and Affordable Care Act (P.L. 111-148) amended section seven of the Fair Labor Standards Act (FLSA) requires employers to provide "reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time the such employee has need to express the milk."

Employers are:

- Required to provide "a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk."
- Encouraged to provide breaks to all nursing mothers, whether they are exempt or non-exempt under FLSA provisions.

Source - www.publichealthlawcenter.org

Minnesota Laws in Support of Breastfeeding

BFHDs need to be aware of laws that support breastfeeding women. Minnesota law protects women beyond the workplace-it allows a mother to breastfeed in any location, public or private, where a mother and child are allowed to be and includes locations like parks, restaurants or stores.

In Minnesota, employees who work for an employer with one or more employees are covered by breastfeeding protections. This is different than federal law where only non-exempt employees under the FLSA are covered. Under federal law, employers with fewer than 50 employees are exempt from breastfeeding protections if the employer would experience "undue hardship".

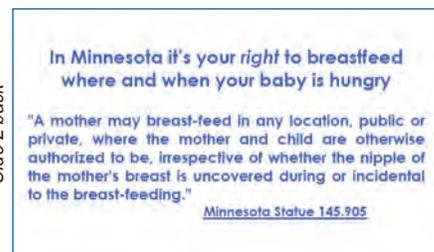
If problems are encountered by breastfeeding women in the work place, a complaint or report of violation can be made by contacting the Minnesota Department of Labor and Industry (1-800-342-5354).

The Minnesota Breastfeeding Coalition has a business card that can be reproduced to distribute to breastfeeding mothers.

Side 1 front



Side 2 back



Download printable cards - <http://mnbreastfeedingcoalition.org/advocacy-and-the-laws/>



Action Steps:

1. Learn about the laws that protect nursing mothers.
2. Inform your clients of the legal protection for nursing mothers.
3. Work with employers to inform them of breastfeeding laws.
4. Use available resources such as the MBC business card.

Resources for Breastfeeding Laws:

- Worksite Wellness & Nursing Mothers Fact Sheet: <http://www.publichealthlawcenter.org/sites/default/files/resources/ship-fs-ww-nursingmothers-2011.pdf>
- Minnesota Breastfeeding laws and National Conference of State Legislation www.ncsl.org/default.aspx?tabid=14389
- USBC (US Breastfeeding Committee): www.usbreastfeeding.org/
- Fair Labor Standards Act: www.dol.gov/whd/regs/compliance/whdfs73.pdf
- Public Health Law Center: www.publichealthlawcenter.org



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Breastfeeding Friendly Health Department
Pilot Project: Tip Sheet #3 - Breastfeeding Laws
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