

Introduced by Senators Pavley and De León

February 17, 2011

An act to add Section 123366 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 502, as introduced, Pavley. Hospital Infant Feeding Protection Act.

Existing law provides for the licensure and regulation of health facilities, including hospitals, by the State Department of Public Health. Existing law requires all general acute care hospitals and special hospitals providing maternity care to make available a breast-feeding consultant, or alternatively, to provide information to the mother on where to receive breast-feeding information.

This bill would require all general acute care hospitals and special hospitals that have perinatal units, as defined, to have an infant-feeding policy and to clearly post that policy. This bill would require that the infant-feeding policy be routinely communicated to all perinatal unit staff and that the infant-feeding policy apply to all infants in a perinatal unit. This bill would become operative January 1, 2014.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:

1 (a) A growing body of evidence indicates that early infant
2 feeding practices can affect later growth and development,
3 particularly with regard to obesity.

4 (b) Parents and care providers are advised to learn and use health
5 infant feeding practices, especially for bottle feeding.

6 (c) The United States Surgeon General, and all the major health
7 organizations including the American Academy of Pediatrics and
8 World Health Organization, recommend exclusive breastfeeding
9 for most babies, unless specifically contraindicated, for the first
10 six months and continued breastfeeding with the addition of
11 appropriate foods up to at least one year of age.

12 (d) The United States Healthy People 2020 goals for
13 breastfeeding set new targets for decreased formula
14 supplementation within the first two days of life and increased
15 number of births in facilities that provide recommended lactation
16 care.

17 (e) The federal Centers for Disease Control and Prevention
18 monitor hospital practices at the state and national level with the
19 Maternity Practices in Infant Nutrition and Care (mPINC) survey.
20 Whereas mPINC benchmarks suggest that 10 percent or fewer of
21 breastfeeding infants should receive supplemental formula, fewer
22 than 10 percent of California hospitals reach that goal. In eight
23 California hospitals, at least 90 percent of breast-fed infants are
24 given supplemental formula during the hospital stay.

25 (f) In April 2010, the Joint Commission, the accreditation
26 organization for hospitals, began including exclusive breastfeeding
27 rates as part of its perinatal care core evaluation indicators for
28 maternity hospitals.

29 SEC. 2. Section 123366 is added to the Health and Safety Code,
30 to read:

31 123366. (a) This section shall be known, and may be cited as,
32 the Hospital Infant Feeding Protection Act.

33 (b) For the purposes of this section, “perinatal unit” means a
34 maternity or newborn service of the hospital for the provision of
35 care during pregnancy, labor, delivery, and postpartum and neonatal
36 periods with appropriate staff, space, equipment, and supplies.

37 (c) All general acute care hospitals and special hospitals, as
38 defined in subdivisions (a) and (f) of Section 1250, that have a
39 perinatal unit shall have an infant-feeding policy and shall clearly
40 post that policy.

- 1 (d) The infant-feeding policy shall be routinely communicated
- 2 to all perinatal unit staff.
- 3 (e) The infant-feeding policy shall apply to all infants in a
- 4 perinatal unit.
- 5 (f) This section shall become operative January 1, 2014.

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