

AMENDED IN SENATE MAY 28, 2013

**SENATE BILL**

**No. 402**

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**Introduced by Senator De León**  
**(Coauthor: Senator Pavley)**  
*(Coauthor: Assembly Member Ammiano)*

February 20, 2013

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An act to add Section 123367 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 402, as amended, De León. Breastfeeding.

Existing law provides for the licensure and regulation of health facilities, including hospitals, by the State Department of Public Health. Existing law, commencing January 1, 2014, requires all general acute care hospitals and special hospitals that have a perinatal unit, as defined, to have a *an* infant-feeding policy.

This bill would require all general acute care hospitals and special hospitals that have a perinatal unit to adopt, *by January 1, 2025*, the “Ten Steps to Successful ~~Breastfeeding~~<sup>2</sup> *Breastfeeding*,” as adopted by ~~Baby-Friendly~~ *Baby-Friendly* USA, per the Baby-Friendly Hospital Initiative, or an ~~equivalent~~ *alternate* process ~~recognized by the department~~ *adopted by a health care service plan that includes evidenced-based policies and practices and targeted outcomes, or the Model Hospital Policy Recommendations as revised by the department in 2012*.

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:

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

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

12 (c) 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 (d) 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.

23 (e) The Baby-Friendly Hospital Initiative (BFHI) is a global  
24 program sponsored by the WHO and the United Nations Children’s  
25 Fund (UNICEF) to encourage and recognize hospitals that offer  
26 an optimal level of care for infant feeding. Baby-Friendly USA is  
27 the national authority for the BFHI in the United States. To date,  
28 57 hospitals in California have received Baby-Friendly USA  
29 accreditation.

30 (f) In April 2010, the Joint Commission, the accreditation  
31 organization for hospitals, began including exclusive breastfeeding  
32 rates as part of its perinatal care core evaluation indicators for  
33 maternity hospitals.

34 SEC. 2. Section 123367 is added to the Health and Safety Code,  
35 to read:

36 123367. (a) For the purposes of this section, the following  
37 definitions shall apply:

1 (1) “Perinatal unit” means a maternity and newborn service of  
2 the hospital for the provision of care during pregnancy, labor,  
3 delivery, and postpartum and neonatal periods with appropriate  
4 staff, space, equipment, and supplies.

5 (2) “Baby-Friendly Hospital Initiative” means the program  
6 sponsored by the World Health Organization (WHO) and the  
7 United Nations Children’s Fund (UNICEF) that recognizes  
8 hospitals that offer an optimal level of care for infant feeding.

9 (b) All general acute care hospitals and special hospitals, as  
10 defined in subdivisions (a) and (f) of Section 1250, that have a  
11 perinatal unit shall, by January 1, ~~2020~~ 2025, adopt the “Ten Steps  
12 to Successful ~~Breastfeeding~~ *Breastfeeding*,” as adopted by ~~Baby~~  
13 ~~Friendly~~ *Baby-Friendly* USA, per the Baby-Friendly Hospital  
14 Initiative, or an ~~equivalent~~ *alternate* process ~~recognized by the~~  
15 ~~State Department of Public Health~~ *adopted by a health care service*  
16 *plan that includes evidenced-based policies and practices and*  
17 *targeted outcomes, or the Model Hospital Policy Recommendations*  
18 *as revised by the State Department of Public Health in 2012.*