

7202--A

Cal. No. 387

2015-2016 Regular Sessions

I N   A S S E M B L Y

April 28, 2015

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Introduced by M. of A. GUNTHER, MILLER, GOTTFRIED, CLARK, COOK, JAFFEE, LAVINE, ROZIC, ZEBROWSKI, MOSLEY, SIMON, SIMOTAS, BLAKE, MURRAY, ARROYO, STECK -- Multi-Sponsored by -- M. of A. DUPREY, ENGLEBRIGHT, GLICK, MARKEY -- read once and referred to the Committee on Health -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, in relation to the breastfeeding mother's bill of rights

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 3 of section 2505-a of the public health law,  
2     as added by chapter 292 of the laws of 2009, is amended to read as  
3     follows:  
4     3. The statement of rights shall consist of the following:  
5                "Breastfeeding Mothers' Bill of Rights"  
6     Choosing the way you will feed your new baby is one of the important  
7     decisions you will make in preparing for your infant's arrival. Doctors  
8     agree that for most women breastfeeding is the safest and most healthy  
9     choice. It is your right to be informed about the benefits of breast-  
10    feeding and have your health care provider and maternal health care  
11    facility encourage and support breastfeeding. You have the right to make  
12    your own choice about breastfeeding. Whether you choose to breastfeed or  
13    not you have the following basic rights regardless of your race, creed,  
14    national origin, sexual orientation, gender identity or expression, or  
15    source of payment for your health care. Maternal health care facilities  
16    have a responsibility to ensure that you understand these rights. They  
17    must provide this information clearly for you and must provide an inter-  
18    preter if necessary. These rights may only be limited in cases where  
19    your health or the health of your baby requires it. If any of the  
20    following things are not medically right for you or your baby, you  
21    should be fully informed of the facts and be consulted.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD10444-03-5

1 (1) Before You Deliver, if you attend prenatal childbirth education  
2 classes provided by the maternal health care facility and all hospital  
3 clinics and diagnostic and treatment centers providing prenatal services  
4 in accordance with article 28 of the public health law you must receive  
5 the breastfeeding mothers' bill of rights. Each maternal health care  
6 facility shall provide the maternity information leaflet, including the  
7 Breastfeeding Mothers' Bill of Rights, in accordance with section twenty-eight  
8 hundred three-i of this chapter to each patient or to the  
9 appointed personal representative at the time of prebooking or time of  
10 admission to a maternal health care facility. Each maternal health care  
11 provider shall give a copy of the Breastfeeding Mothers' Bill of Rights  
12 to each patient at or prior to the medically appropriate time.

13 You have the right to complete information about the benefits of  
14 breastfeeding for yourself and your baby. This will help you make an  
15 informed choice on how to feed your baby.

16 You have the right to receive information that is free of commercial  
17 interests and includes:

18 \* How breastfeeding benefits you and your baby nutritionally,  
19 medically and emotionally;

20 \* How to prepare yourself for breastfeeding;

21 \* How to understand some of the problems you may face and how to solve  
22 them.

23 (2) In The Maternal Health Care Facility:

24 \* You have the right to have your baby stay with you right after birth  
25 whether you deliver vaginally or by cesarean section. You have the right  
26 to begin breastfeeding within one hour after birth.

27 \* You have the right to have someone trained to help you in breast-  
28 feeding give you information and help you when you need it.

29 \* You have the right to have your baby not receive any bottle feeding  
30 or pacifiers.

31 \* You have the right to know about and refuse any drugs that may dry  
32 up your milk.

33 \* You have the right to have your baby in your room with you 24 hours  
34 a day.

35 \* You have the right to breastfeed your baby at any time day or night.

36 \* You have the right to know if your doctor or your baby's pediatri-  
37 cian is advising against breastfeeding before any feeding decisions are  
38 made.

39 \* You have the right to have a sign on your baby's crib clearly stat-  
40 ing that your baby is breastfeeding and that no bottle feeding of any  
41 type is to be offered.

42 \* You have the right to receive full information about how you are  
43 doing with breastfeeding and get help on how to improve.

44 \* You have the right to breastfeed your baby in the neonatal intensive  
45 care unit. If nursing is not possible, every attempt will be made to  
46 have your baby receive your pumped or expressed milk.

47 \* If you, or your baby, are re-hospitalized in a maternal care facili-  
48 ty after the initial delivery stay, the hospital will make every effort  
49 to continue to support breastfeeding, to provide hospital grade electric  
50 pumps and rooming in facilities.

51 \* You have the right to have help from someone specially trained in  
52 breastfeeding support and expressing breast milk if your baby has  
53 special needs.

54 \* You have the right to have a family member or friend receive breast-  
55 feeding information from a staff member if you request it.

56 (3) When You Leave The Maternal Health Care Facility:

1     \* You have the right to printed breastfeeding information free of  
2 commercial material.

3     \* You have the right, unless specifically requested by you, and avail-  
4 able at the facility, to be discharged from the facility without  
5 discharge packs containing infant formula, or formula coupons unless  
6 ordered by your baby's health care provider.

7     \* You have the right to get information about breastfeeding resources  
8 in your community including information on availability of breastfeeding  
9 consultants, support groups and breast pumps.

10    \* You have the right to have the facility give you information to help  
11 choose a medical provider for your baby and understand the importance of  
12 a follow-up appointment.

13    \* You have the right to receive information about safely collecting  
14 and storing your breast milk.

15    \* You have the right to breastfeed your baby in any location, public  
16 or private, where you are otherwise authorized to be. Complaints can be  
17 directed to the New York State Division of Human Rights.

18    \* YOU HAVE THE RIGHT TO TAKE REASONABLE UNPAID BREAKS AT WORK SO YOU  
19 CAN PUMP BREAST MILK FOR UP TO THREE YEARS FOLLOWING CHILDBIRTH UNDER  
20 SECTION 206-C OF THE LABOR LAW. YOUR EMPLOYER MUST MAKE REASONABLE  
21 EFFORTS TO PROVIDE A ROOM OR OTHER LOCATIONS WHERE YOU CAN EXPRESS  
22 BREAST MILK IN PRIVACY. YOUR EMPLOYER MAY NOT DISCRIMINATE AGAINST YOU  
23 BASED ON YOUR DECISION TO EXPRESS BREAST MILK AT WORK. COMPLAINTS CAN BE  
24 DIRECTED TO THE NEW YORK STATE DEPARTMENT OF LABOR.

25    All the above are your rights. If the maternal health care facility  
26 does not honor these rights you can seek help by contacting the New York  
27 state department of health or by contacting the hospital complaint  
28 hotline or via email.

29    S 2. This act shall take effect on the first of January next succeed-  
30 ing the date on which it shall have become a law.