

AMENDED IN ASSEMBLY JUNE 19, 2007

AMENDED IN ASSEMBLY JUNE 13, 2007

AMENDED IN SENATE MAY 24, 2007

AMENDED IN SENATE APRIL 10, 2007

AMENDED IN SENATE MARCH 6, 2007

SENATE BILL

No. 22

Introduced by Senator Migden

December 4, 2006

An act to amend Section 123360 of, and to add Sections 1257.9 and 123361 to, the Health and Safety Code, and to add Section 14134.55 to the Welfare and Institutions Code, relating to breast-feeding.

LEGISLATIVE COUNSEL'S DIGEST

SB 22, as amended, Migden. Breast-feeding.

Under existing law, the State Department of Public Health licenses and regulates health facilities, including hospitals.

This bill would provide that the State Department of Public Health shall recommend specified training that is intended to improve breast-feeding rates among mothers and infants for general acute care hospitals and special hospitals that provide maternity care, and that have exclusive patient breast-feeding rates in the lowest 25%, as described. The bill would require the department to notify the hospital director or other person in charge of the hospital that the training is available, upon request, to the hospital.

Existing law provides for the California Special Supplemental Food Program for Women, Infants, and Children (WIC) administered by the State Department of Health Services and counties, under which nutrition

and other assistance is provided to low-income postpartum and lactating women, infants, and children under 5 years of age. Existing law also requires the department to conduct a public service campaign that includes the promotion of mothers breast-feeding their infants. Effective July 1, 2007, responsibility for the administration of the above-mentioned provisions will be transferred to the State Department of Public Health.

This bill would require the department not later than July 1, 2008, to begin expansion of the breast-feeding peer counseling program at local agency WIC sites as provided.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which health care services are provided to qualified low-income persons. Existing law provides that Medi-Cal benefits include various services to lactating mothers and infants.

This bill would require the department to streamline and simplify existing Medi-Cal program procedures in order to improve access to lactation supports and breast pumps among Medi-Cal recipients.

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 hereby finds and declares all of
- 2 the following:
- 3 (a) Breast-feeding has long been recognized as a proven disease
- 4 prevention strategy. Breast-fed infants experience lower rates of
- 5 allergies and asthma, ear infections, immune diseases, Sudden
- 6 Infant Death Syndrome (SIDS), and even juvenile-onset diabetes.
- 7 (b) More recent studies have documented the foundational role
- 8 of breast-feeding in preventing childhood obesity. The greatest
- 9 protection is seen when breast-feeding is used exclusively (no
- 10 formula or solid foods) and continues for at least the first few
- 11 months.
- 12 (c) The American Academy of Pediatrics (AAP) recommends
- 13 exclusive breast-feeding for the first six months and continued
- 14 breast-feeding with the addition of appropriate foods up to at least
- 15 one year of age. The California Obesity Prevention Plan highlights
- 16 breast-feeding as a key strategy.

1 (d) The federal Centers for Disease Control and Prevention
2 (CDC) estimates that up to 20 percent of obesity could be prevented
3 through breast-feeding. Increasing breast-feeding in California
4 could mean up to 48,000 fewer overweight children and adolescents
5 every year.

6 (e) The California Special Supplemental Food Program for
7 Women, Infants, and Children (WIC) program provided for
8 pursuant to Article 2 (commencing with Section 123275) of
9 Chapter 1 of Part 2 of Division 106 of the Health and Safety Code,
10 provides nutritious foods and breast-feeding support to 1.4 million
11 pregnant and postpartum women and their children up to five years
12 of age. While 67 percent of WIC mothers initiate breast-feeding
13 at least partially in the hospital, only 15 percent are exclusively
14 breast-feeding by the time their babies are two months old.

15 (f) Skilled, culturally competent support is critical to increasing
16 breast-feeding among high-risk low-income women. Key factors
17 that appear to increase the duration of breast-feeding among WIC
18 mothers include all of the following:

- 19 (1) Attendance at a breast-feeding class.
- 20 (2) Knowing others who have breast-fed.
- 21 (3) Support of breast-feeding by significant others.

22 (g) In the past five years, WIC pilot projects, which are typically
23 funded by foundations, First Five program grants, and United
24 States Department of Agriculture special grants, have demonstrated
25 that using breast-feeding peer counselors and lactation consultants
26 has a direct, positive impact on breast-feeding rates in this
27 population.

28 SEC. 2. Section 1257.9 is added to the Health and Safety Code,
29 to read:

30 1257.9. (a) (1) The department shall recommend training for
31 general acute care hospitals, as defined in subdivision (a) of Section
32 1250, and special hospitals, as defined in subdivision (f) of Section
33 1250, that is intended to improve breast-feeding rates among
34 mothers and infants. This training shall apply to each general acute
35 care hospital that provides maternity care and has exclusive patient
36 breast-feeding rates in the lowest 25 percent, according to the data
37 published yearly by the State Department of Public Health, when
38 ranked from highest to lowest rates. The training offered shall
39 include a minimum of eight hours of training provided to
40 appropriate administrative and supervisory staff on hospital policies

1 and recommendations that promote exclusive breast-feeding. ~~The~~
2 ~~criteria for determining the lowest 25 percent breast-feeding rates~~
3 ~~shall correlate with the most current Healthy People Guidelines~~
4 ~~of the United States Department of Health and Human Services.~~
5 Hospitals that meet the minimum criteria for exclusive
6 breast-feeding rates prescribed in the most current Healthy People
7 Guidelines of the United States Department of Health and Human
8 Services shall be excluded from the training requirements imposed
9 by this paragraph.

10 (2) The department shall notify the hospital director or other
11 person in charge of a hospital to which paragraph (1) applies, that
12 the eight-hour model training course developed pursuant to
13 subdivision (b) of Section 123360, is available, upon request, to
14 the hospital.

15 (b) Section 1290 shall not apply to a violation of this section,
16 nor shall meeting the requirements of this section be a condition
17 of licensure.

18 SEC. 3. Section 123360 of the Health and Safety Code is
19 amended to read:

20 123360. (a) The State Department of Public Health shall
21 include in its public service campaign the promotion of mothers
22 breast-feeding their infants.

23 (b) The department shall develop a model eight-hour training
24 course of hospital policies and recommendations that promote
25 exclusive breast-feeding, incorporating available materials already
26 developed by the department, and shall specify hospital staff for
27 whom this model training is appropriate. The department shall
28 also provide the model training materials to hospitals, upon request.

29 SEC. 4. Section 123361 is added to the Health and Safety Code,
30 to read:

31 123361. The State Department of Public Health shall, no later
32 than July 1, 2008, begin expansion of the breast-feeding peer
33 counseling program at local agency California Special
34 Supplemental Food Program for Women, Infants, and Children
35 (WIC) sites. Plans for the expansion of the program shall take into
36 account local WIC agency program models that have demonstrated
37 the greatest rates of improvement in breast-feeding rates, including
38 exclusive breast-feeding rates.

39 SEC. 5. Section 14134.55 is added to the Welfare and
40 Institutions Code, to read:

1 14134.55. The department shall streamline and simplify
2 existing Medi-Cal program procedures in order to improve access
3 to lactation supports and breast pumps among Medi-Cal recipients.

O