

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 502

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 amended, 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
2 infant-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 ~~(e)~~

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

13 ~~(d)~~

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

19 ~~(e)~~

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

28 (e) *The Baby-Friendly Hospital Initiative (BFHI) is a global
29 program sponsored by the World Health Organization (WHO)
30 and the United Nations Children's Fund (UNICEF) to encourage
31 and recognize hospitals that offer an optimal level of care for
32 infant feeding. Baby-Friendly USA is the national authority for
33 the BFHI in the United States. More than 19,000 maternity
34 facilities worldwide, and 34 in California, have received
35 Baby-Friendly accreditation.*

36 (f) In April 2010, the Joint Commission, the accreditation
37 organization for hospitals, began including exclusive breast-feeding
38 rates as part of its perinatal care core evaluation indicators for
39 maternity hospitals.

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

3 123366. (a) This section shall be known, and may be cited as,
4 the Hospital Infant Feeding Protection Act.

5 ~~(b) For the purposes of this section, “perinatal unit” means a~~

6 *(b) For the purposes of this section, the following definitions*
7 *shall apply:*

8 *(1) “Perinatal unit” means a maternity or newborn service of*
9 *the hospital for the provision of care during pregnancy, labor,*
10 *delivery, and postpartum and neonatal periods with appropriate*
11 *staff, space, equipment, and supplies.*

12 *(2) “Baby-Friendly Hospitals” means facilities that have been*
13 *awarded accreditation by Baby-Friendly USA, the national*
14 *authority for the Baby-Friendly Hospital Initiative sponsored by*
15 *the World Health Organization and the United Nations Children’s*
16 *Fund.*

17 *(3) “Model Hospital Policy Recommendations” means the most*
18 *recently updated guidelines approved and published by the State*
19 *Department of Public Health entitled, “Providing Breastfeeding*
20 *Support: Model Hospital Policy Recommendations.”*

21 (c) All general acute care hospitals and special hospitals, as
22 defined in subdivisions (a) and (f) of Section 1250, that have a
23 perinatal unit shall have an infant-feeding policy and shall clearly
24 post that policy. *The infant-feeding policy may include the*
25 *guidelines provided by the Baby-Friendly Hospital Initiative or*
26 *the State Department of Public Health Model Hospital Policy*
27 *Recommendations.*

28 (d) The infant-feeding policy shall be routinely communicated
29 to all perinatal unit staff.

30 (e) The infant-feeding policy shall apply to all infants in a
31 perinatal unit.

32 (f) This section shall become operative January 1, 2014.

O