

**Introduced by Senator De León
(Coauthor: Senator Pavley)**

February 20, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

SB 402, as introduced, 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 infant-feeding policy.

This bill would require all general acute care hospitals and special hospitals that have a perinatal unit to adopt the “Ten Steps to Successful Breastfeeding” as adopted by Baby Friendly USA, per the Baby-Friendly Hospital Initiative, or an equivalent process recognized by the department.

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.

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

7 (c) The United States Healthy People 2020 goals for
8 breastfeeding set new targets for decreased formula
9 supplementation within the first two days of life and increased
10 number of births in facilities that provide recommended lactation
11 care.

12 (d) The federal Centers for Disease Control and Prevention
13 monitor hospital practices at the state and national level with the
14 Maternity Practices in Infant Nutrition and Care (mPINC) survey.
15 Whereas mPINC benchmarks suggest that 10 percent or fewer of
16 breastfeeding infants should receive supplemental formula, fewer
17 than 10 percent of California hospitals reach that goal.

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

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 123367 is added to the Health and Safety Code,
30 to read:

31 123367. (a) For the purposes of this section, the following
32 definitions shall apply:

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

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

1 (b) All general acute care hospitals and special hospitals, as
2 defined in subdivisions (a) and (f) of Section 1250, that have a
3 perinatal unit shall, by January 1, 2020, adopt the “Ten Steps to
4 Successful Breastfeeding” as adopted by Baby Friendly USA, per
5 the Baby-Friendly Hospital Initiative, or an equivalent process
6 recognized by the State Department of Public Health.

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