

AMENDED IN ASSEMBLY JUNE 18, 2013

AMENDED IN SENATE MAY 28, 2013

SENATE BILL

No. 402

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

~~(Coauthor: Coauthors: Assembly Member Members Ammiano and
Fox)~~

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 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 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," as adopted by Baby-Friendly USA, per the Baby-Friendly Hospital Initiative, or an alternate process 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.~~ *as defined.*

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, 2025, adopt the “Ten Steps to
12 Successful Breastfeeding,” as adopted by Baby-Friendly USA, per
13 the Baby-Friendly Hospital Initiative, or an alternate process
14 adopted by a health care service plan that includes evidenced-based
15 policies and practices and targeted outcomes, or the Model Hospital
16 Policy Recommendations ~~as revised by the State Department of~~
17 ~~Public Health in 2012~~; *as defined in paragraph (3) of subdivision*
18 *(b) of Section 123366.*