

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:33 P.M. on February 2, 2006 in Room 231-N of the Capitol.

All members were present.

Late Arrivals:

Barnett	1:46
Palmer	1:40

Committee staff present:

Emalene Correll, Kansas Legislative Research Department
 Terri Weber, Kansas Legislative Research Department
 Norm Furse, Office of Revisor of Statutes
 Diana Lee, Office of Revisors of Statutes
 Morgan Dreyer, Committee Secretary

Conferees appearing before the committee:

Amy Swan, Nursing Mother, Kansas Constituent
 Agatha Nickelson, Nursing Mother, Kansas Constituent
 Libby Rosen, R.N., Kaw Area Breastfeeding Coalition
 Bob Swan, Father of Amy Swan, Kansas Constituent
 Brenda Bandy, La Leche League of Kansas
 Susan Bumsted, R.N., Kansas State Nurses Association

Others attending:

See attached list.

Hearing On SB 2284—Right to breastfeed; jury duty exception

Upon request of the Chairman, Vice Chair V. Schmidt called the meeting to order, announcing the next order of business would be a hearing on HB 2284. She discussed the past bill's previous year track history and the use of the word "discreetly" in the bill HB 2284. Diana Lee, stated that the Committee's last action on this bill was to strike the word "discreetly."

Vice Chairwoman V Schmidt, called upon the first proponent conferee, Amy Swan, Constituent Mother. Stated her story as a nursing mother who was asked to leave a public venue because she what breast feeding her fussy nine-month-old daughter. A copy of his testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Vice Chairwoman, V. Schmidt asked for questions or comments from the Committee. Questions came from Senators Journey, and Haley, regarding if Amy Swan would have any objections if we continued to remove the word "discreetly", and if Amy felt there would not be any point in time where she did not feel it would be appropriate to publically breastfeed.

The second proponent conferee to testify was Agatha Nickelson, Constituent Mother, stated her experience of a threat to be arrested for breast feeding her one-month-old child in a woman's public bathroom, and her work in Labor and Deliver at Hutchinson Hospital helping new mothers to breastfeed. A copy of his testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

Vice Chairwoman V. Schmidt called upon the third proponent conferee, Libby Rosen, Internationally Board Certified Lactation Consultant representing the Kaw Area Breastfeeding Coalition. She stated her knowledge as a health care provider, statistics on breast feeding mothers, breast feeding initiation rates in Kansas, and references on breastfeeding information. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

Next Chairman Barnett took over the meeting from Vice Chairwoman V. Schmidt and called upon the

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on February 2, 2006 in Room 231-N of the Capitol.

fourth proponent conferee, Bob Swan, Father of Amy Swan, and concerned constituent of nursing granddaughter, stated his feelings as a man on the issue of supporting the breast feeding bill, and his daughters struggles to breastfeed her baby in a public setting. No written testimony was provided.

The fifth proponent conferee, Brenda Bandy, Professional Liason for La Leche League of Kansas, stated other states laws on both public breastfeeding and jury duty exemption for breastfeeding mothers. A copy of his testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett called upon the final proponent conferee, Susan Bumsted, M.N., R.N., representing the Kansas State Nurses Association, stated the importance of breastfeeding that leads to the increase in benefits of a child's health. She also gave information on the Legal and Ethical Issues for Nurses. A copy of his testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

The Chairman Barnett asked for questions or comments from the Committee. Questions came from Senators Brungardt, Wagle, and Haley, a testimony clarification, and a house keeping question of the bill on the word discretely used in bold and italics

As there were no opponent or neutral testimony, Chairman Barnett announced that written testimony was offered from Linda Kenny, KDHE, Erin Brubacher, BSN / RN, Angela Talor, Nursing Mother / Kansas Constituent, Jessica Rau, Nursing Mother, Kansas Constituent, Leah Garver, Nursing Mother, Kansas Constituent, Kelly Hawkins Skinner, Nursing Mother, Kansas Constituent, Debra Welty, RN, and Jane Graves, Nursing Mother, Kansas Constituent. Copies of their testimonies are (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

Chairman Barnett then called up Senator Journey who asked the Committee to introduce legislation for one issue. Concerning human cloning.

The motion was made by Senator Journey to introduce the legislation. It was seconded by Senator Gilstrap, and the motion carried.

Adjournment

As there was no further business, the meeting was adjourned at 2:15 p.m.

The next meeting is scheduled for February 8, 2006.

GUEST LIST

DATE: Thursday, February 2
2006

NAME	REPRESENTING
Barbara Vallon	
Rebecca Breeding	
Deborah Warner	
Susan Bumsleed	KSSNA
Brenda Bandy	La Leche League of KS
Linda Kearey	KDHE
Cagie Nickelson	
Sandy Linebarger	
Betty Brooks	
Elizabeth "Libby" Rosen	Kaw Ima Breastfeeding Coalition

REMARKS OF AMY SWAN
Senate Public Health & Welfare Committee
February 2, 2006

Distinguished Senators, by now my story of embarrassment and humiliation while breastfeeding my infant has been widely publicized and discussed. In November 2003 I was working out in a Lawrence health club during its "Mother's Day Out" event, and my nine-month-old daughter was fussy when I went to the nursery to pick her up. When holding and comforting her didn't work, I sat on the couch in the nursery to breastfeed her and she was instantly soothed. As I walked toward the door to leave, a male nursery employee said to me, "I don't mean to be a whiner, but if I'm going to be in here, I don't want you breastfeeding." He proceeded to tell me he also did not want his son (who was in the nursery at the time) "exposed" to nursing and referred to my breasts saying, "Those are your parts, and I don't want him seeing them." I asked him where I was supposed to go and he suggested a room across the hall, which had only a blow up bean bag for furniture.

I was very upset and wrote the owner about the incident. Instead of an apology, I received an extremely disturbing letter scolding me for nursing in front of a man I didn't know and asserting, "Didn't you stop to think you might have embarrassed others by your actions?" The owner also told me there were plenty of other places besides the nursery I could have gone to breastfeed, including going into the tiny bathroom adjacent to the nursery and shutting the door.

Senators, my experience at the health club was so degrading and humiliating, I was upset for weeks. I began to feel self-conscious every time I nursed Maya outside my home. Finally, I felt I had to speak out and I am very grateful that last year the House passed HB 2284 overwhelming, 108-5.

I feel strongly that women need to feel supported in their vital act of nursing, and it is wrong that breast-fed babies in Kansas often face more restrictions than bottle-fed babies, simply because their feeding includes a mother's breast. It is wrong that mothers, doing what is natural and best for their nursing infants, sometimes feel a lack of public support or even embarrassment and degradation in our great state.

Distinguished Committee Members, I sincerely ask your support of this legislation to protect this most basic mother's right for all of the reasons presented today and previously. And there will be one other important benefit to private property owners. The health club owner two years ago told a reporter after the incident that he actually

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thought passing breastfeeding legislation might be a good thing. He said that a

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business owner facing a similar incident could say, "Sorry if breastfeeding offends you, but this is a law, and I have to follow it." Aside from benefiting both mothers and babies, improving public health, and reducing healthcare costs, this law should make life easier for both owners and managers of facilities.

In concluding, I must emphasize that my sad experience was *not* an isolated incident. The past year we have heard from other nursing mothers around Kansas with similar negative stories. A nursing mother last year in Olathe, when asked why she was nursing in a restroom, said she just didn't want to offend anyone. A Kansas City mother was told not to nurse her infant while in the waiting room of her doctor's office. And we are certain for every mother who speaks out, many more remain silent. They just stop breastfeeding publicly or end their breastfeeding months earlier than planned. I believe this is why Kansas' breastfeeding statistics at 6 months and 12 months after birth are so discouraging.

Distinguished Senators, please strongly support this legislation now and urge your Senate colleagues to vote for passage of HB 2284 without further delay. Kansas mothers and their nursing infants are waiting for your support. It's time for Kansas to join almost 40 states with breastfeeding legislation.

Thank you for your attention and consideration.

Dear Chairman Barnett and Public Health & Welfare Committee Members,

In October 2005 I was shopping at a store in the mall and my 1 month old woke up crying. I went to the bathroom to change his diaper and I noticed he was rooting around and was hungry. I happened to see a chair in the bathroom and proceeded to sit down, cover my son and myself with a blanket, and breastfeed. Toward the end of the feeding a middle-aged woman walked into the bathroom and gave me a look of disgust. She began telling me how offended she was and that in the state of Kansas it was illegal to breastfeed in public and that she was going to call the police and have me arrested. I just stared at her in disbelief as she repeated herself. By that time both my son and I were in tears, so I put him back into his stroller and left.

At the time, I worked in Labor and Delivery at Hutchinson Hospital and helped new mothers with breastfeeding, so I was in total shock to have such a negative reaction to feeding my son. My biggest fear was that this woman was right. I thought of all the things I should have said, but the problem was I had no idea what the law was. I came home and immediately looked for answers to my questions. Even after learning that she was wrong, I still feel uncomfortable when I breastfeed anywhere else but in my own home. I feel as if I must fit all my errands into a 2 or 3 hour trip because my son will become hungry and I must go home to feed him. Everyday at my job I was encouraging new mothers to breastfeed, yet I still had doubts in my own head. I could not get that woman's comments out of my mind. I have this wonderful gift to give my son, but I found myself giving him a bottle more and more. I am hoping to bring more attention to this cause, so other mothers will not have to go through a similar situation. I would also like to show others that breastfeeding is a natural thing and that it can be done tactfully.

Thank you for your time. I would be happy for answer your questions.

Sincerely,
Agatha Nickelson
68 Random Rd
Hutchinson, KS
620-728-1116

Senate Public Health & Welfare
Committee

Date: Feb. 2, 2006

Attachment # 2

Testimony for House and Human Services Committee
RE: HB 2284

I am Libby Rosen, RN, Internationally Board Certified Lactation Consultant representing the Kaw Area Breastfeeding Coalition. This coalition is a partnership of the local health department, both community hospitals, Parents As Teachers, Part C Infant and Toddler Services and La Leche League. Our group is a community collaboration of parents and health care providers whose mission is to provide breastfeeding support and information to the community. I have been an obstetrical nurse in the Topeka Community for 32 years, attending over 2,000 births. Currently I work in the breastfeeding and follow up clinic at Stormont-Vail Regional Health Center; a free community service that provides over 700 visits a month to families of Northeast Kansas during their baby's first year. I am also a graduate student at Kansas University in the PhD program, focusing on research and higher education.

As a health care provider, I must stress the tremendous health benefits of breastfeeding to mother and baby. I do this with the same passion that I support the immunization program and use of car seats. Human milk reduces morbidity and mortality rates. Current studies show less obesity in children who are breastfed. There is also well-documented research showing positive maternal-infant interaction as a result of breastfeeding, leading to a lower incidence of child abuse. This speaks to why this legislation is so important.

The Healthy People 2010 objectives have as a goal for at least 75% of all moms to initiate breastfeeding and at least 50% to still be breastfeeding at 6 months. Current 2003 and 2004 statistics for Kansas and nationally are:

Location	Any breastfeeding at hospital discharge	Any breastfeeding at 6 months	Any breastfeeding at 1 year	Exclusive breastfeeding at 3 months	Exclusive breastfeeding at 6 months
Kansas 2003	76.5 ±5.1	37.3 ±5.6	17.2 ±4.0	43.4 ±5.8	16.1 ±4.1
Kansas 2004	68.8 ± 6.5	32.8 ±6.1	18.2±5.1	37.4±6.5	14.2±4.5
National 2003	70.9 ±0.8	36.2 ±0.8	17.2 ±0.7	41.1 ±0.9	14.2 ±0.6
National 2004	70.3± 0.9	36.2 ± 0.9	17.8 ± 0.7	38.5 ±1.0	14.1 ± 0.7

The initiation rates in Kansas meet the goal, however the six-month goal lacks by a range of 11.0 to 23.3%. This continuation of breastfeeding is where the focus is needed. Ball and Wright (1999) reported breastfeeding saved \$341 to \$475 in **health care costs alone** during the first year of the babies' life. This does not include the approximately \$2,500 per year in savings realized by not buying formula, and if those mothers are WIC participants, that saves us as taxpayers. Babies all around the world have improved morbidity and mortality rates due to the consumption of their mother's milk (Cunningham et al., 1991). Formulas fed babies have more hospitalizations, respiratory tract infections, otitis media, diarrhea, pneumonia, urinary tract infections, necrotizing enterocolitis,

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and invasive bacterial infections. Mothers who can and do choose to breastfeed are afforded better health as well, showing a reduction in postpartum bleeding, reduced risk of ovarian cancer and premenopausal breast cancer as well as an earlier return to pre-pregnancy weight (<http://www.cdc.gov/breastfeeding/report-blueprint.htm>)

Bill 2284 would support breastfeeding and has the potential to improve the rates of breastfeeding in our state, consequently assisting in lowered insurance premiums, as well as less ill time on the job. Babies that are healthier have parents able to be present at work. Passing this bill would show nursing families that the state recognizes and supports their right to nurse as well as the health benefits for both the mother and baby.

Even though we are doing well in Kansas with the initiation rate, meeting that goal, the benefits of breastfeeding are proportionally related to the duration of breastfeeding and the Kansas 6 months statistics drop to 32.8% and that is any breastfeeding, not exclusively human milk, exclusive breastfeeding is at 14.2%. If a mother does not feel supported to nurse in public when her baby is hungry, she might choose to offer human milk substitutes (formula), impacting her milk supply and longevity of nursing.

Three studies express ways to improve the duration of breastfeeding: McLeod et al. (2002) discussed potential ways to improve rates are:

- 1) Creating realistic expectations about breastfeeding,
- 2) Ensuring access to consistent information,
- 3) Ensuring quality ongoing support from partners, family friends, professionals, **and the community.**

A second study by Heinig and Farley (2001) "*Development of effective strategies to support breastfeeding*" found that **social support efforts** by health care providers and combined information, guidance, support that are long-term and intensive are two of the factors that support ongoing breastfeeding.

Rempel (2004) looked at prenatal intentions to breastfeeding and nine month rates of breastfeeding finding that although perceived approval did not impact the initiation of breastfeeding it strongly explain the actual duration of breastfeeding to nine months. I have heard many stories from women who are my patients about how hard it is to feel supported about continued breastfeeding. Including, where can they nurse their babies or pump their milk? Comments are made even if they are subtly nursing their baby's in public, showing much less skin than a Victoria's Secret ad. Would you fix or eat your lunch in a public restroom stall? Why would we ask mothers to do that!

Bottom line is that human milk is for human babies, serving to promote and support the baby. It provides warm ready milk any time, anywhere, even in the event of a natural disaster like a tornado or power outage or during the predicted bird flu epidemic. It provides babies with literally millions of antibodies and live cells that promote brain growth and development and overall good health. Seeing other women nurse in public introduces its normalcy, it provides the next generation with role modeling. Breastfeeding assures maternal infant contact, as a state we want connected solid relationships, resulting in less child abuse and neglect.

Please support this bill, help us to help moms who have decided to nurse their babies to receive the confirmation they need from the State of Kansas to

promote family values at their roots: warmth, health, security and with the best benefits available.

References

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- Rempel, L. A. (2004). Partner influence on health behavior decision-making: increasing breastfeeding duration. *Journal of Social and Personal Relationships*, 21, 92-111.



La Leche League of Kansas



Brenda Bandy, Professional Liaison

3005 Cherry Hill Rd. • Manhattan, Kansas 66503 • 785-539-3993 • bandy@kansas.net

WRITTEN TESTIMONY

January 30, 2006

RE: HB 2284, An Act concerning children, relating to breastfeeding

Dear Chairman Barnett and Public Health and Welfare Committee Members,

I am testifying in support of HB 2284, protecting a mother's right to breastfeed in public and exempting her from jury duty for as long as she is breastfeeding. Public breastfeeding and jury duty are issues that come up several times a year around Kansas as I help mothers with breastfeeding challenges in my role as the Area Professional Liaison for La Leche League of Kansas.

Enclosed is a summary of other states' laws addressing both public breastfeeding and jury duty exemptions for breastfeeding mothers. There is precedence for this type of law. It is my hope that after reviewing the wording used by other states, you will agree that HB 2284 is typical for this type of law.

The United States Breastfeeding Coalition (USBC) is a collaborative partnership of 37 national organizations that support breastfeeding. In the USBC's statement on state breastfeeding legislation, it says "*Legislation is most effective when it clearly specifies that women have the right to breastfeed in any public or private place where they have the right to be...* Most of the states that considered putting restrictions into their laws ultimately did not do so, and the states that did include restrictions are in the minority. One state that initially put a restriction into its law amended the law a year later to remove the restriction."

I have yet to meet a mother who did not want to nurse discreetly while in public. Any type of subjective restriction to this bill is not warranted as evidenced by no known problems in those states with public breastfeeding laws.

I ask you to please support HB 2284 in its current version, as passed unanimously by this Committee last session. This bill costs nothing; would positively affect the health of Kansans and save millions of dollars in health care costs.

I appreciate your concern about this important matter and hope that you will contact me and use my expertise as this and other related issues arise this session. You can reach me at 785-539-3993 or bandy@kansas.net.

Sincerely,

Brenda Bandy
Area Professional Liaison
La Leche League of Kansas

Senate Public Health & Welfare
Committee

Date: Feb. 2, 2006

Attachment #: 4

Other States' Public Breastfeeding Laws

As of Jan. 30, 2006, Brenda Bandy

"Notwithstanding any other provision of law to the contrary, a woman may breast-feed the woman's own child in any public place where the woman's presence is otherwise authorized." (Iowa)

"...a mother may breastfeed her baby in any location where the mother is otherwise authorized to be..." (Oklahoma)

"A mother may breastfeed in any place she has the right to be." (Colorado)

"A mother is entitled to breast-feed her baby in any location in which the mother is authorized to be." (Texas) (*signed by then-governor George W. Bush*)

"Notwithstanding any other law, a woman may breastfeed her child anywhere the woman has a right to be." (Indiana)

"A mother is entitled to breastfeed her baby in any location of a place of public accommodation wherein the mother otherwise is permitted." (Ohio)

"A mother may breastfeed in any location, public or private, where the mother and child are otherwise authorized to be, *irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast-feeding.*" (Minnesota)

"A mother may breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be, *irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breastfeeding ;...*(Illinois)

"Notwithstanding any other provision of law, a mother may breastfeed her child in any public or private location where the mother is otherwise authorized to be, irrespective of whether the nipple of the other's breast is uncovered during or incidental to the breast feeding." (Nevada)

"A mother has a right to breastfeed the mother's child in any location, public or private, where the mother and child are otherwise authorized to be present, irrespective of whether or not the mother's breast is covered during or incidental to the breastfeeding." (Montana)

"A woman may breastfeed her child in a public place." (Oregon)

"A mother may breastfeed her child in any location, public or private, where the mother is otherwise authorized to be." (New Mexico)

"Notwithstanding any other provision of law to the contrary, a mother may, with as much discretion as possible, breast-feed her child in any public or private location where the mother is

otherwise authorized to be.” (Missouri)

“Notwithstanding any other provision of law to the contrary, a mother may breastfeed her baby in any place of public accommodation, resort or amusement.” (Louisiana)

“A mother may breast-feed her baby in any location where the mother and baby are otherwise authorized to be.” (Georgia)

“A mother may breast feed her baby in any location, public or private, where the mother is otherwise authorized to be, *irrespective or whether or not the nipple of the mother’s breast is covered during or incidental to the breast feeding.*” (Florida)

“Notwithstanding any other provision of law, a mother may breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and child are authorized to be present.” (California)

“Notwithstanding any provision of law to the contrary, a mother may breastfeed her baby in any location where the mother and baby are otherwise authorized to be.” (Delaware)

“Notwithstanding any other provision of law, a mother may breast-feed her baby in any location, public or private, where the mother is otherwise authorized to be.” (Maine)

“Notwithstanding any other provision of law to the contrary, a mother shall be entitled to breastfeed her baby in any location of a place of public accommodation, resort or amusement wherein the mother is otherwise permitted.” (New Jersey)

“Notwithstanding any other provision of law, a mother may breast feed her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether or not the nipple of the mother’s breast is covered during or incidental to the breast feeding.” (New York)

“Notwithstanding any other provision of law, a woman may breast feed in any public or private location where she is otherwise authorized to be, irrespective of whether or not the nipple of the mother’s breast is covered during or incidental to the breast feeding.” (North Carolina)

“Notwithstanding any other provision of law, a mother may breastfeed her child in any place of public accommodation in which the mother and child would otherwise have a legal right to be.” (Vermont)

“A mother may breastfeed breast-feed her child in any, public or private location in which the mother and child are authorized to be. A person may not restrict or limit the right of a mother to breast-feed her child.” (Maryland)

“Breastfeeding a child does not constitute an act of indecent exposure and to restrict or limit the right of a mother to breastfeed her child is discriminatory.” (New Hampshire)

Other States' Jury Duty Exemption Laws for Breastfeeding Mothers

As of Jan. 30, 2006, by Brenda Bandy

"Mothers who are breast-feeding a baby, upon their request, shall be exempt from service as jurors." (Oklahoma)

"A nursing mother shall be excused from jury service until she is no longer nursing her child by making such request to the court at the time the juror qualification form is filed with the jury commissioner and including with the request a physician's certificate in support of her request." (Nebraska)

"The Court shall provide that a mother nursing her child shall have service postponed until she is no longer nursing the child." (Idaho)

"A Judge of the Court of Clerk of Court shall excuse a woman from acting as a juror upon the request of the woman if the woman is breastfeeding a child." (Oregon)

"Exemptions from jury service upon request. Any of the following person may serve on juries...but shall be exempt from jury service upon his request:. or any mother who is breastfeeding a child." (Virginia)

"A mother who is breastfeeding a child may request that jury service be deferred for up to one year, and may renew that request as long as she is breastfeeding. If the request is made in writing under penalty of perjury, the jury commissioner must grant it without requiring the perspective juror to appear at court." (California)



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H.B. 2284: Right to Breastfeed

February 2, 2006

Chairperson Barnett and Members of the Senate Public Health and Welfare Committee, my name is Susan Burnsted, M.N., R.N., and I am here representing the Kansas State Nurses Association (KSNA). KSNA supports HB 2284 to ensure that Kansas women may breastfeed in any place they have the right to be.

As the representative of the largest group of healthcare professionals in Kansas, KSNA is very concerned about the health of all Kansans, including mothers and children. We are convinced that breastfeeding is a healthy choice deserving of the support of the state of Kansas.

Breastfeeding is the preferred method of feeding for nearly all infants, recommended by professional groups including the American Academy of Pediatrics (2005), the American Academy of Family Physicians (2001), and the American Dietetics Association (2005). Identified benefits of breastfeeding (USDHHS Office of Women's Health, 2000; AAP, 2005) include:

- increased resistance to infectious diseases
- an enhanced immune system
- reduced risk for several chronic diseases
- developmental benefits
- improved maternal health
- nutritional and growth benefits
- socioeconomic benefits, including substantially lower healthcare costs.

Researchers have found a 21% lower mortality rate in breastfed infants, leading to the estimate of 720 deaths each year that could be prevented or delayed if all American infants were breastfed (Chen & Rogan, 2004).

The positive effects of breastfeeding are most significant with six months of exclusive breastfeeding (AAFP, 2001). Studies show that the effects are dose-related, with improved outcomes being associated with longer breastfeeding.

Identified barriers to initiating and continuing breastfeeding include the mother's embarrassment over breastfeeding in public, and lack of social support (Best Start, 2005). Legislation protecting the right to breastfeed has been identified as a method to increase public acceptance of breastfeeding (CDC, 2005). This also potentially decreases embarrassment and increases support for breastfeeding mothers.

This legislation would not only ensure the right of a mother to breastfeed her child, but would also provide a strong state policy statement in support of breastfeeding. We urge you to support this legislation in its current form. Thank you.

Attachment: January 2004 issue of The Kansas Nurse (pages 1-3)

THE MISSION OF THE KANSAS STATE NURSES ASSOCIATION IS TO PROMOTE PROFESSIONAL NURSING TO PROVIDE A UNIFIED VOICE FOR NURSING IN KANSAS AND TO ADVOCATE FOR THE HEALTH AND WELL-BEING OF ALL PEOPLE.
CONSTITUENT OF THE AMERICAN NURSES ASSOCIATION

Senate Public Health Welfare Committee
Date: Feb. 2, 2006
Attachment # 5

References

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**K A N S A S**

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

**Testimony on
House Bill 2284
to
Senate Public Health & Welfare Committee**

Presented by: Linda Kenney**February 2, 2006**

Chairperson Barnett and members of the Senate Public Health and Welfare Committee, the Kansas Department of Health and Environment (KDHE) supports HB 2284.

The department joins with the American Academy of Pediatrics and others in supporting public policy measures that help Kansas' mothers and families who choose to breastfeed their infants. The AAP recommends exclusive breastfeeding of infants during the first 6 months and continued breastfeeding for a minimum of a year. How does Kansas fare when it comes to this important public health measure? When assessed at the time of hospital discharge, Kansas is doing better than the U.S. (72.2% of Kansas mothers breastfeed at hospital discharge compared to only 70.1% for the U.S.). In the first few weeks after they leave the hospital, however, there is a sharp drop in the numbers of women who breastfeed. And at 6 months, the trend is reversed, only 28.8% of Kansas' mothers breastfeed compared to 33.2% for the U.S. Less than two-thirds of low-income mothers participating in the Kansas WIC program reported any breastfeeding. The data suggest a need to build supportive community and work environments through public policy as necessary.

Studies show that breastfed infants have improved health and reduced medical costs. Breast milk lowers the risk of the baby developing asthma, ear infections, respiratory infections, and obesity. Studies show reduced Medicaid expenditures for breastfed babies of \$478 during the first six months of life. Public policy can be supportive not only of mothers and families but also of physicians, hospitals and local health departments in their efforts to promote breastfeeding.

DIVISION OF HEALTH
Office of Health Promotion
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Senate Public Health & Welfare

Date: Feb. 2, 2006

Attachment # 6



K A N S A S

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

Thank you for the opportunity to support this public health issue.

DIVISION OF HEALTH
Office of Health Promotion
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE.230, TOPEKA, KS 66612-1274
(785) 296-1207 Fax 785-296-8059 <http://www.kdhe.state.ks.us>

From: "Erin Howard" <erinkh626@hotmail.com>
To: <barnett@senate.state.ks.us>, <brungardt@senate.state.ks.us>, <gilstrap@senate.state.ks.us>, <haley@senate.state.ks.us>, <jordan@senate.state.ks.us>, <journey@senate.state.ks.us>, <palmer@senate.state.ks.us>, <schmidt@senate.state.ks.us>, <wagle@senate.state.ks.us>
Date: Wed, Feb 1, 2006 10:19 AM
Subject: breastfeeding House Bill 2284

January 30, 2006

Dear Senators,

My name is Erin Brubacher and I am a certified breastfeeding educator and a registered nurse. I have spent over four years working with many mothers, fathers and children. The purpose of this letter is to ask you to vote in favor of the House Bill No. 2284 regarding the rights of breastfeeding mothers to be able to breastfeed whenever their babies are hungry wherever they are.

It is important that mothers feel encouraged and supported by everyone to breastfeed their children through public policy and legislative mandate. Both the health and social benefits are well documented. Breastfeeding children is the best way to give them nutrition in the early years of their life and it is also a fantastic source of bonding between a mother and her child. Furthermore, breastfed babies receive precious immunities from their mother's milk that are extremely important for maintaining good health. This nutritional value absolutely cannot be duplicated in formula. Many hospital and clinic visits could be avoided if more mothers breastfed their children. Additionally, breastfeeding parents save a significant amount of money since they do not pay for formula. We, as taxpayers, will save money ourselves if we can encourage and support more mothers to breastfeed. By adopting this amendment, mothers will be more likely to breastfeed and babies will be healthier and happier.

Let's make parenting a little more manageable. Perhaps you know someone who has experienced the frustration of standing in line for an hour with a baby who awakens abruptly right before you reach the end of the line. The baby starts screaming because he or she is hungry and the mother knows she will have to step out of line to go to her car or home to feed her baby and return to reenter the beginning of the line at a later point. Shouldn't breastfeeding mothers be encouraged to breastfeed their children and not be punished for it? Please support House Bill No. 2284 so that nursing mothers, their children and Kansas taxpayers can benefit from this important legislation. If I can be of any assistance to you or any other legislator in regard to this bill or issue, please don't hesitate to contact me at (316) 283-0418 or erinkh626@hotmail.com. Thank you for considering my position.

Sincerely,

Erin Brubacher, BSN, RN

From: "Angie Taylor" <taylorfamilyinc@sbcglobal.net>
To: <barnett@senate.state.ks.us>
Date: Mon, Jan 30, 2006 7:04 PM
Subject: HB 2284

Dear Senator Barnett,

I have heard that bill HB 2284 will be heard again this year and considered. I urge you to help push this through. My name is Angela Taylor and I am a breastfeeding mother. I have had occasion to be sitting discreetly nursing my little one at my local YMCA only to have staff members approach me and request that I move to the Family Locker Room or the Woman's Bathroom. When I ask them why I can't stay in the Family Room they simply tell me that they would hate for me to be embarrassed by someone watching. Personally I would never eat in either the Family Locker Room or the Woman's Bathroom so why feed my baby there? I also have never been nor would ever be embarrassed by anyone glancing my way. I choose to wear shirts specifically designed for nursing and I place my nursling in a sling designed just for this purpose.

I also wanted to take the time share an incident that happened to a friend of mine. She's a public school bus driver. One afternoon while waiting for school to let out she sat in the driver's seat of her bus nursing her daughter. She was completely covered -- she had even covered the baby with a blanket so no one could see what she was doing. She continued to nurse while the students loaded the bus and then discreetly unlatched and prepared for the bus ride that would deliver these youngsters home to their families. Upon her arrival back at the bus barn that evening she was greeted by her boss who shared with her that one of the students shared with his parents what she was doing and if she did that again she'd be fired. Is it really better for her to allow her little one to go without food and hydration? What more could she have done to be discreet? Nursing babies can't be put on feeding schedules it just isn't good for them as the human milk is completely digested in 90 minutes. Nursing her baby before leaving the school was the best choice for her and gave her time to complete her route before the little one would need to nurse again. Not to mention the fact that her boss knows that her family needs the small income that this job brings in -- what's a mother to do????

Please vote to bring this bill before the full Senate -- we need your help and we need this legislation.

Sincerely,

Angela Taylor
Nursing Mother

From: <DENRAU@aol.com>
To: <barnett@senate.state.ks.us>
Date: Tue, Jan 31, 2006 1:17 PM
Subject: HB 2284

From Jessica Rau
12110 E. 55th Street S.
Derby, KS 67037
316-789-9183

To the Senate Public Health & Welfare Committee

Thank you for considering a bill that will protect women and support their need to breastfeed their babies. I have heard from several mothers that they stopped breastfeeding because they could never go anywhere. These mothers were afraid to breastfeed their infant anywhere except their own private homes. If mothers knew they were supported by law, if our state has protection in place for mothers who choose to breastfeed, imagine how encouraged these women would feel. It is a simple matter to breastfeed discreetly, especially if you know you won't be escorted away if someone thinks there might be a baby eating underneath your blanket. When I have been back to my home town in southwest Kansas to visit my parents, they have specifically asked if we could stay home for dinner, rather than go out to eat, because they believed I would be arrested if I fed my baby in a restaurant. I am very good at breastfeeding discreetly, and though I'm certain no one would have noticed, I agreed to stay home to save my parents from their anxiety. I will be happy to reassure them once this bill is passed! Breastfeeding a baby is the ideal way to feed an infant, and Kansas can assure all women of the right to do so if they choose. Breastfeeding is not harmful to anyone, in fact NOT breastfeeding is harmful (comparitively) for both mother and baby. It is unfair to treat it like smoking (allowing people to be asked to leave, asking them to do it somewhere else or somewhere private, having designated sections where said behavior can take place) because smoking is harmful to anyone near enough to inhale. Breastfeeding is a positive experience and has no unhealthy effects. It should be treated as such.

Thank you for your time.

Sincerely,
Jessica Rau

From: Leah <pegirl00@yahoo.com>
To: <barnett@senate.state.ks.us>
Date: Tue, Jan 31, 2006 6:51 PM
Subject: Written Testimony for HB 2284 Hearing Thursday 2/2

Dear Chairman Barnett and Public Health and Welfare Committee Members,

I am writing to share my experience as a new nursing mom faced with jury duty. In May of 2005, I received a letter stating I was to report for jury duty. I wrote back stating I was nursing my daughter and wished to "reschedule" my duty at a later date. The court denied my request and required me to report for jury duty.

I showed up to fulfill my obligation, with child in hand, to which I was promptly scolded by the clerk. I had never been to a jury duty and simply did not know all the rules, nor did I receive any information saying I could not bring my daughter with me. Stating that I was breastfeeding, the clerk told me to pump my milk. My thoughts, if I wanted to give my daughter a BOTTLE, I would not have had any problems going to jury duty in the first place. I was not being understood in my processes of doing the breast as a main source of food, nurturing, comfort, and bonding with my daughter.

My jury duty was then rescheduled for a mere two weeks away. Since I had not yet decided to end my breastfeeding, I stressed and even felt as if I were being FORCED to stop breastfeeding to fulfill this duty properly. Arrangements were made for my daughter's enlist Army father to take off work and watch our daughter. I purchased a bottle and formula, as I was unable to produce enough milk using a pump.

Per letter of instruction, I was to call the morning of to receive instructions, only to hear a recording say my jury duty was canceled. GREAT!!! All this time worrying and carrying on only to find out I didn't have to go. It kind of upset me that I spent the past two weeks preparing for a big step in my child rearing process, which I was not ready to make, only to be told, not to come. Eventually I was sent another letter stating that my future obligations to jury duty had been fulfilled.

In conclusion, I feel I should have been exempt from jury duty until I had chosen to stop nursing. Thank you for your time in hearing my concern for this issue.

Leah R. Garver

Formerly:
6560-2 Hampton Place
Fort Riley, KS 66442

Currently:
P.O. Box 1141
Collegedale, TN 37315

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Kelly Hawkins Skinner
3918 SW Friar Road
Topeka, KS 66610
skinnykh@msn.com

January 31, 2006

Chairman Barnett and Committee Members
barnett@senate.state.ks.us
Subject: Written Testimony for hb2284

Dear Chairman Barnett and Committee Members,

I was first summoned for jury duty in early 2004 shortly after my daughter was born. I called and explained that I was breastfeeding a new baby. I was excused as a primary caregiver for 13 months. I was promptly summoned when that time expired. I again explained that I was a breastfeeding mother caring for two young children. The clerk checked my name and said that I could not be excused again as a primary caregiver. She asked me how old my baby was. This felt like a judgment to me. The implication being that at a certain age my breastfeeding relationship was not relevant. I further explained that my husband was transferred here to Kansas, and we have no family to call upon even if breastfeeding was not an issue. She suggested that I might try a daycare facility. I explained that was impractical because daycare facilities don't take drop-in clients, could not breastfeed my daughter, and could not take my son to and from preschool. I explained that I had never been separated from my children for more than three hours. She said there was nothing she could do, explaining that the only option was to serve or appear before a judge with a lawyer to request an excuse from service. She told me that success with a judge was unlikely. Upon thinking and realizing that I just could not make jury duty work at this time, I called back and asked for the information so that I could mail a letter to the judge. She was willing to put me late in the groups so that I would have little chance of having to appear. I told her I could not take the chance that on short notice I would be taken away from my children with no reasonable solution to the problems it would create. She ultimately excused me somehow. I was called for the third time just this January, and I realized my circumstances were not of concern to the system here. When I called the jury line to ask about a location to pump breastmilk, she said I could use the public restrooms. I asked about accessibility to electricity within the bathroom stalls and cleanliness. I was hopeful that there was a designated location. She almost laughed saying there was no place for that and that she did not know about electricity and had no control over privacy and cleanliness. I also asked if I would be allowed the time to do this while serving the court. She told me she had no idea. These answers are very important to any breastfeeding mother that is asked to separate for extended periods of time.

I would have appeared if my group were called, but the situation would have been very uncomfortable for me and my family. I have however, fulfilled my obligation for the moment. I understand this is an important part of our system of Government. I, like so many other mothers, have many years of potential service once my children are a few years older, but during this handful of years they need "Mom" to be with them. Please let there be consideration and sufficient extension for the needs of breastfeeding mothers and primary caregivers in relation to jury duty service.

Thank you for your time. I would be happy to answer any questions you may have. Please feel free to contact me at (785) 478-9894.

Respectfully,

Kelly Hawkins Skinner

6-7

From: Debra Welty <dkmrw@sbcglobal.net>
To: <barnett@senate.state.ks.us>
Date: Mon, Jan 30, 2006 5:14 PM
Subject: Senate Bill 2284 Right to Breast Feed

January 30, 2006
The Honorable Jim Barnett
Senate Committee on Public Health and Welfare
Capitol Office, Room 221E
Topeka, KS 66612

Dear Senator Barnett,

I have been a pediatric nurse for nearly 30 years and am a mother of four. This letter is to urge you to support senate bill 2284, Right to breastfeed; jury duty exception that is scheduled to be heard by the Committee on Public Health and Welfare on Thursday, February 2. I would like to see this bill approved by this committee and passed on to the Senate for approval as well.

As a mother of four grown children who were breastfed throughout their first year, I have experienced this difficulty in public places. Passage of this bill would provide support for this policy and encouragement to breastfeeding mothers as well. As stated in the text of this bill, breastfeeding provides many benefits to both mother and infant. In my role as a pediatric health care professional, it is imperative that the education of new mothers include information supporting their right to breastfeed babies when the need arises. In a 2005 Policy Statement, The American Academy of Pediatrics recommended that in order to promote optimal growth and development, healthy full-term infants should receive only breast milk for the first six months of life and that breastfeeding is continued for at least one year.

If there are other ways I can assist with support for this bill, I can be reached by email at dkmrw@sbcglobal.net or at the address and phone number listed below. Thank you for your consideration of my viewpoint regarding this issue.

Sincerely,
Debra Welty, RN
7711 Prestwick Cr.
Wichita, KS 67212
316-721-3005

From: <Pjemgraves@aol.com>
To: <barnett@senate.state.ks.us>
Date: Tue, Jan 31, 2006 3:52 PM
Subject: breast feeding legislation

Hello, I wanted to identify myself and state that I have had issues with nursing in public. I'm Jane Graves, from Lawrence Kansas. When my second daughter was a few months old, my family went to visit the Deanna Rose Farmstead near Kansas City. There was a sign identifying the "nursing area," which after following the arrow, I discovered was a plastic chair in the wheelchair accessible stall of the women's restroom. There was excrement on the wall, dirty tissues on the floor, and it was generally not a place anyone would want to spend time in, let alone sit with her baby. I ended up nursing the baby in on a bench of the picnic area, looking around the entire time to make sure that no one saw me or confronted me for nursing outside the "nursing area." I have nursed my two children successfully, but even though I consider myself courageous, it took me some time to become comfortable nursing in public. For women to give their children the best gift they can for long-term health, they need to be encouraged by laws making it known that it is acceptable to nurse in public without repercussions.