

☞ **09hr_SC-PHSILTCJC_ab0057_pt01**



Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Public Health, Senior Issues, Long-Term Care, and Job Creation (SC-PHSILTCJC)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Gigi Godwin (LRB) (November/2011)

Senate

Record of Committee Proceedings

Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation

Assembly Bill 57

Relating to: permitting a mother to breast-feed in any public or private location where she is otherwise authorized to be.

By Representatives Pasch, Roys, Parisi, Sinicki, Benedict, Black, Berceau, Ballweg, Cullen, Hintz, Hebl, Hilgenberg, Mason, Molepske Jr., Pocan, Pope-Roberts, Toles, Townsend, Vruwink and Zepnick; cosponsored by Senators Risser, Erpenbach, Wirch, Darling, Schultz, Cowles, Sullivan and Lehman.

September 24, 2009 Referred to Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation.

January 27, 2010 **PUBLIC HEARING HELD**

Present: (5) Senators Carpenter, Coggs, Vinehout, Schultz and Kapanke.

Absent: (0) None.

Appearances For

- Sandy Pasch, Whitefish Bay — Rep., 22nd Assembly District
- Christine Lidbury, Madison — Wisconsin Womens Council
- Susan Christiansen, Madison
- Emily Shier, Fox Lake
- Meghan Lisowski, Oregon

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Chuck Benedict, Beloit — Rep., 45th Assembly District
- Pat Osborne, Madison — American College of Nurse Midwives
- Katie Brown, Fox Point — WI. Guild of Midwives
- Hannah Bernard-Donals, Madison — Wisconsin Guild of Midwives
- Chris Rasch, Madison — Wisconsin Medical Society

- Shaili Pferffer, Madison
- Jessica Bernstein, Verona
- Molly Bushman, DeForest
- Patrick Bushman, DeForest
- Jeanne Ryan, Madison
- Johanna Hatch, Verona
- Kristin Scheeler, Madsion
- Jessica Turner, Madison
- Samatha Ernest, Madison
- Heather Hoffman, Stoughton
- Jane Peterson, Lola — Wisconsin Guild of Midwives
- Courtney Jenkins, Deerfield
- Lea Wolf, Madison
- Michael Kruse, Madison
- Amanada Kruse, Madison
- Colleen Schroeder, Richland Center
- Sara Hagen, Madison
- Karissa Andrews, McFarland
- Mark Schroeder, Madison
- Jessica Orndahl, Madison
- Laura Schroeder, Madison
- Devon Kinne, Madison

Registrations Against

- None.

Registrations for Information Only

- None.

January 28, 2010

EXECUTIVE SESSION HELD

Present: (5) Senators Carpenter, Coggs, Vinehout, Schultz and Kapanke.

Absent: (0) None.

Moved by Senator Schultz, seconded by Senator Vinehout that **Assembly Bill 57** be recommended for concurrence.

Ayes: (5) Senators Carpenter, Coggs, Vinehout, Schultz and Kapanke.

Noes: (0) None.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

Russell DeLong
Committee Clerk

Vote Record
Committee on Public Health, Senior Issues, Long-Term Care,
and Job Creation

Date: 1/28/10

Moved by: Schultz

Seconded by: Vinehout

AB 57

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt 2

A/S Amdt 2 to A/S Amdt 2

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member

Senator Tim Carpenter, Chair

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Senator Spencer Coggs

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------	--------------------------	--------------------------

Senator Kathleen Vinehout

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------	--------------------------	--------------------------

Senator Dale Schultz

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------	--------------------------	--------------------------

Senator Dan Kapanke

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------	--------------------------	--------------------------

Totals: 5 - 0 _____ _____

Motion Carried

Motion Failed



Women's Council

CHRISTINE LIDBURY

101 East Wilson Street | Madison, Wisconsin 53702
Telephone 608 266 2219 | Facsimile 608 267 0626



Women's Council
Wisconsin

WOMENSCOUNCIL.WI.GOV

**Testimony to the Senate Committee on Public Health
January 27, 2010 – State Capitol, Madison WI**

Thank you Senator Carpenter and members of the Senate Committee on Public Health for the opportunity to testify on Assembly Bill 57, allowing a mother to breast-feed her child without interference in any public or private location where she and her child are otherwise authorized to be.

About the Wisconsin Women's Council

Established in 1983, the Wisconsin Women's Council is a state government agency and Wisconsin's statutory commission on the status of women and girls in Wisconsin. The Council's 15-Member Board is appointed by the Governor, Senate President, Senate Majority Leader, and Assembly Speaker.

In Support of AB 57

Please accept this testimony on behalf of the Wisconsin Women's Council in support of Assembly Bill 57. According to the National Conference of State Legislators, 43 states currently have laws with language specifically allowing women to breastfeed in any public or private location. We urge Wisconsin step up and join the large majority of states in our country to protect and promote the health and well-being of our youngest citizens.

Breastfeeding a baby is an important and basic act of nurture which should be encouraged in the interests of maternal and child health. One of the stated objectives of the U.S. Public Health Service, as outlined in their report *Healthy People 2010*, is to increase the proportion of mothers who breastfeed their children. The American Academy of Pediatrics recommends that infants be exclusively breastfed for the first six months of life. The national *Healthy People 2010* goal includes a 50 percent participation rate of nursing mothers in the period after the infant reaches six months of age. In Wisconsin, only about 17% of infants breast-feed exclusively until 6 months of age and fewer than half breastfeed at all in the first 6 months.

- continued -

Wisconsin Women's Council Testimony - continued

A wide variety of experts – US Centers for Disease Control, American Academy of Pediatrics, March of Dimes and many others – report that breast milk is the best food for most babies during the first year of life. Research shows that it enhances cognitive and visual development and lowers the risk and severity of a variety of acute childhood illnesses and chronic diseases, including pneumonia, ear infections, urinary tract infection, lymphoma, and digestive diseases, as well as reducing the risk for Type 1 diabetes and childhood obesity. Breastfed infants are also less likely to die from Sudden Infant Death Syndrome. Research has also demonstrated health benefits to mothers who breastfeed, such as reduced risk of breast and ovarian cancer and osteoporosis.

Because of the health benefits, breastfed infants require fewer hospitalizations, prescriptions and healthcare visits. Just this month the National Conference of State Legislators issues a brief reporting that breastfeeding offers economic benefits for states. "As policymakers look for additional ways to reduce health costs, they may want to consider the economic benefits of breastfeeding. The U.S. Department of Agriculture's Economic Research Services estimates that at least \$3.6 billion in medical expenses could be saved each year if the number of children breastfed for at least six months increased to 50 percent, as recommended by the U.S. Surgeon General." The U.S. Congressional Research Service reports that increasing breastfeeding rates among the 41 percent of U.S. births covered by Medicaid may be a potential strategy for state budget savings.

The American Academy of Pediatrics and the American Dietetic Association have reported that breastfeeding may reduce health care costs and employee absenteeism for care that is attributable to children's illnesses. In addition, breastfeeding offers economic benefits for families where formula may cost upwards of \$1000 per year for one child.

Nursing mothers denied the right to breast-feed in public places have asserted rights in a variety of lawsuits—under a number of legal theories, some successful, some not. According to a report by the US Congressional Research Service, however, the centrality of state breastfeeding laws in defining legal protection is critical to success.

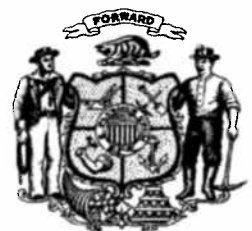
This legislation make an important public health statement to women and health care providers that our state stands behind giving our children the right start in life. In the interests of good public health, strong families, healthy children, and state economic benefit, we urge the Senate Public Health Committee and the Wisconsin State Senate to expeditiously pass AB 57, in its current form.

Respectfully submitted,

Christine Lidbury
Executive Director



WISCONSIN STATE LEGISLATURE



FRED A. RISSER
President
Wisconsin State Senate

January 27, 2010



Senator Tim Carpenter
Senate Committee on Public Health, Senior Issues
Long Term Care and Job Creation
306 South, State Capitol
HAND DELIVERED

Dear Senator ^{Tim}~~Carpenter~~,

Thank you for holding a public hearing on Assembly Bill 57. Due to scheduling conflicts, I am unable to share my support for this legislation in person.

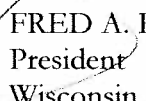
Under current law, there are various prohibitions against lewd behavior and sexual gratification in public. These prohibitions, however, do not apply to a mother breastfeeding her child. While state law does not classify breastfeeding as a "lewd behavior", many mothers statewide are the subject of harassment daily because they choose to nurse their child in a restaurant, coffee shop, or shopping mall.

Assembly Bill 57 would help to create greater public awareness of breastfeeding by allowing a mother to breastfeed in any public or private location where she is otherwise authorized to be. Additionally, this bill would prohibit any person from interfering with the right of a mother to breast feed her child. Any person who interferes with this right would be subject to a forfeiture of not more than \$200. Companion legislation, Senate Bill 16, was approved by the full Senate in February 2009.

The American Academy of Pediatrics recommends exclusive breastfeeding of infants for six months, and continuation of breastfeeding after solid foods are introduced. It is estimated that Americans would save \$3.6 Billion annually in health care costs because breastfed babies tend to be healthier babies.

Many mothers, faced with the fear of harassment for nursing in public, fall short of the American Academy of Pediatrics recommendation. Assembly Bill 57 will not only target the discrimination faced by many nursing mothers, it will also address an important public health issue for Wisconsin babies.

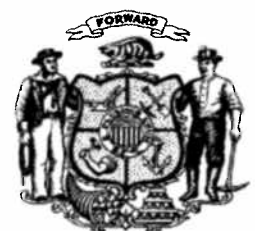
Most sincerely,


FRED A. RISSER
President
Wisconsin State Senate

FAR:skb
CC: Members of Committee



WISCONSIN STATE LEGISLATURE





SANDY PASCH

STATE REPRESENTATIVE

Assembly Bill 57

Testimony of Representative Sandy Pasch

Committee on Public Health, Senior Issues, Long-Term Care and Job Creation January 27, 2010

Mr. Chairman and members of the committee, thank you for allowing me to testify in front of you on this legislation today.

Assembly Bill 57 will allow a woman to breastfeed in any public or private place, where she and her child are otherwise authorized to be, without interference. In those locations, no person may prohibit a mother from breast-feeding her child, ask or direct the mother to move to a different location to breast-feed her child, ask or direct the woman to cover the child or breast while breastfeeding, or otherwise restrict a mother from breast-feeding her child. The reality that such a bill is necessary is unfortunate, as women have been breastfeeding children *forever*; yet, as previous testimony on this proposal has revealed, women in our state have been subject to harassment—for the act of feeding their children.

This is what we know about breastfeeding:

- It is the most complete form of nutrition for infants;
- Breast milk contains antibodies that protect infants from bacterial and viral infections (breastfed infants have fewer ear infections, respiratory infections, and other illnesses);
- Breastfed infants require fewer hospitalizations, prescriptions, and healthcare visits;
- Infants who are not breastfed have higher rates of infant mortality;
- Mothers who breastfeed have lower rates of pre-menopausal breast cancer, ovarian cancer, type 2 diabetes, and osteoporosis.

Healthy People 2000 has a goal of increasing the number of women who breastfeed at birth to 75%, and at 6 months of age to 50%. Wisconsin has a long way to go to reach those goals - only 62% of Wisconsin mothers breastfeed at birth, and 22% continue for 5-6 months. Also, sadly noteworthy, are the mortality rates in our state for African American infants—they are among the highest in the nation. Indeed, parts of southeastern Wisconsin have rates which exceed those found in third-world nations. Breastfeeding has been shown to decrease infant mortality.

In Wisconsin, the law exempts a woman from public indecency charges, but she may be asked to leave an area, or to feed her infant in a restroom. This legislation will protect breastfeeding mothers from intimidation and harassment while helping facilitate improved health of infants and mothers alike.

The Senate version of this bill (Senate Bill 16) was passed with an amendment which severely undermines the intent of this bill, with the language changed from one cannot *interfere with* a woman's right to breast feed, to one cannot *prohibit a woman from breastfeeding*. I have worked with a number of stakeholders to draft language which clarifies the intent of the legislation, explicitly outlining the rights of a breastfeeding mother. In addition, there has been some debate over including a "modesty clause" in the bill. This could cause great distress to mothers not knowing how to satisfy such a subjective standard. It would also open any mother up to allegations that she was not doing it discretely enough. Such language could have a chilling effect on mothers and would certainly discourage them from breastfeeding,

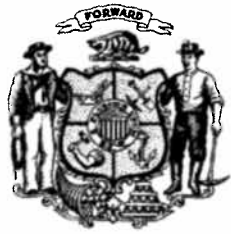
Assembly Bill 57 must be passed without any further changes. It is ingenuous to suggest, as some have done, that because certain individuals might find breastfeeding offensive, a modesty clause must be added. I would also suggest that there is much in our society that causes offense to various individuals, yet we do not legislate those offenses away.

A mother breastfeeds her infant when and where her infant is hungry. We must not interfere with that activity and indeed, we must promote it—for the health of the child, the mother, and our state. 43 other states have passed laws with language that specifically allows a woman to breastfeed in any public or private location, and I look forward to seeing Wisconsin finally join this rank.

Mr. Chairman and committee members, thank you for allowing me to testify on this important proposal.



WISCONSIN STATE LEGISLATURE





**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2009 Assembly Bill 57	Assembly Amendment 2, As Amended
<i>Memo published:</i> September 23, 2009	<i>Contact:</i> Richard Sweet, Senior Staff Attorney (266-2982)

Assembly Bill 57 creates a section of the statutes that would read as follows:

253.16 Right to breast-feed. A mother may breast-feed her child in any public or private location where the mother is otherwise authorized to be. No person may interfere with the right of a mother to breast-feed her child as provided in this section.

Assembly Amendment 2 modifies the first sentence above to refer to a public or private location where the mother “and child” are otherwise authorized to be. In addition, the amendment replaces the second sentence set forth above with the following:

In such a location, no person may prohibit a mother from breast-feeding her child, request or direct a mother to move to another location to breast-feed her child, request or direct a mother to cover her child or breast while breast-feeding, or otherwise restrict a mother from breast-feeding.

Assembly Amendment 2 to Assembly Amendment 2 deletes “request or” in two places in the previous paragraph. With that amendment and Assembly Amendment 2, the substantive provision of the bill will read as follows:

253.16 Right to breast-feed. A mother may breast-feed her child in any public or private location where the mother and child are otherwise authorized to be. In such a location, no person may prohibit a mother from breast-feeding her child, direct a mother to move to another location to breast-feed her child, direct a mother to cover her child or breast while breast-feeding, or otherwise restrict a mother from breast-feeding.

Legislative History

The Assembly Committee on Public Health recommended adoption of Assembly Amendment 2, and passage of the bill as amended, both by votes of Ayes, 4; Noes, 2.

The Assembly adopted Assembly Amendment 2 to Assembly Amendment 2, adopted Assembly Amendment 2, and passed the bill as amended, all by voice votes.

RNS:jal:wu