

**SB**

**297**

HFIN

FILE

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: May 7, 1998

FURTHER REFERRALS:

Date of Committee Action: 5/8/98

The FINANCE Committee considered:

CSSB 297(2d RLS)

CS FOR SENATE BILL NO. 297(2d RLS)

BREAST-FEEDING IN PUBLIC PLACE

"An Act relating to breast-feeding."

recommends it be replaced  the same title  
 with the following committee substitute \_\_\_\_\_  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) Senate DOH, 4/2/98

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>George Therriault</i> Therriault			X	
<i>John Kohring</i> Kohring	X			
<i>John Mulder</i> Mulder			X	
<i>Ben Gussendorf</i> Gussendorf	X			
<i>Pete Kelly</i> Kelly			✓	
<i>Al Moses</i> Moses	X			
<i>Tom Davis</i> DAVIS			X	
<i>John Davies</i> DAVIES	X			

CHAIR'S SIGNATURE *George Therriault*

# FISCAL NOTE

No. 1

Bill Version: SB 297

(S) Publish Date: 4-2-98

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected Law  
 Title An Act relating to breast-feeding BRU Criminal Division  
 Component 1st-4th Judicial Districts  
 Sponsor Senator Ellis OSPA \_\_\_\_\_  
 Requester Senate Judiciary Committee Component Serial No 2198/99/2261/79/01/02

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

SB 297, to be known as the Breast-feeding Promotion and Protection Act of 1998, would insure that breast-feeding is not illegal under state laws or local ordinances. In addition, the bill would create a new class B misdemeanor for interference with the right to breast-feed.

The Department of Law does not anticipate a caseload increase sufficient to warrant fiscal note costs.

Prepared by Joan M. Kasson *Joan M. Kasson* Phone 465-5370  
 Division Attorney General's Office Date 3/27/98  
 Approved by Commissioner Bruce M. Botelho, Attorney General Date 3/27/98  
 Agency Department of Law

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# ALASKA STATE LEGISLATURE

Senate Health, Education and  
Social Services Committee

Senate Judiciary Committee

Department of Health and Social  
Services Budget Subcommittee

Department of Law  
Budget Subcommittee



January - May  
State Capitol, Rm. 9  
Juneau, Alaska 99801  
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fax: (907) 465-2529

June - December  
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## SENATOR JOHNNY ELLIS

### Sponsor Statement For Senate Bill 297

#### *"The Breast-feeding Promotion and Protection Act"*

Breast-feeding is the most basic act of nurturing between a mother and her baby. Alaska law must be clear that mothers who breast-feed their babies in public will not be prosecuted under indecent exposure and lewd conduct laws. Senate Bill 297, "The Breast-feeding Promotion and Protection Act", shields these women.

Twelve states have recently passed progressive breast-feeding legislation. The surge of breast-feeding promotion and protection policies comes in the wake of new research indicating that babies who are breast-fed are smarter. Research also reveals that breast-fed infants have lower rates of premature death, meningitis, childhood leukemia and other cancers, diabetes, respiratory disease, and allergies. Scientists have found that moms are healthier, too. Mothers who breast-feed their children show lower incidents of breast cancer, osteoporosis, and urinary infections.

Regardless of the tremendous benefits of breast-feeding, more mothers are choosing to formula-feed their babies. New moms generally choose not to breast-feed due to demanding work schedules. Many moms are apprehensive to breast-feed merely because they want to avoid public embarrassment. "The Breast-feeding Promotion and Protection Act" is a significant step towards reducing barriers for moms who want to breast-feed their infants.

I urge your support and prompt passage of "The Breast-feeding Promotion and Protection Act".

and again, it changes the structure of the brain," says Dr. Linda Mayes of the Yale Child Study Center. Here's how:

■ Trauma elevates stress hormones, such as cortisol, that wash over the tender brain like acid. As a result, regions in the cortex and in the limbic system (responsible for emotions, including attachment) are 20 to 30 percent smaller in abused children than in normal kids, finds Perry; these regions also have fewer synapses.

■ In adults who were abused as children, the memory-making hippocampus is smaller than in nonabused adults. This effect, too, is believed to be the result of the toxic effects of cortisol.

■ High cortisol levels during the vulnerable years of zero to 3 increase activity in the

brain structure involved in vigilance and arousal. (It's called the locus ceruleus.) As a result the brain is wired to be on hair-trigger alert, explains Perry; regions that were activated by the original trauma are immediately reactivated whenever the child dreams of, thinks about or is reminded of the trauma (as by the mere presence of the abusive person). The slightest stress, the most inchoate fear, unleashes a new surge of stress hormones. This causes hyperactivity, anxiety and impulsive behavior. "The kids with the higher cortisol levels score lowest on inhibitory control," says neuroscientist Megan Gunnar of the University of Minnesota. "Kids from high-stress environments [have] problems in attention regulation and self-control."

Trauma also scrambles neurotransmitter signals, ratcheting up some and depressing others. Since neurotransmitters play key roles in telling growing neurons where to go and what to connect to, children exposed to chronic and unpredictable stress—a mother's boyfriend who lashes out in fury, an alcoholic uncle who is kind one day and abusive the next—will suffer deficits in their ability to learn. "Some percentage of capacity is lost," says Perry. "A piece of the child is lost forever."

That is tragedy enough, of course, but it is made even greater by the loss of what could have been. Babies are born into this world with their brain primed to learn. But they cannot do it alone.

With ANDREW MURR in Los Angeles

## Rooting for Intelligence

Breast-feeding is good for health and bonding. And mother's milk may have another payoff: boosting a child's IQ scores.

BY DANIEL GLICK

**B**REAST MILK MAY be Mother Nature's ultimate food. It's potent enough to keep babies alive for the first 16 weeks of life. It contains antibodies to ward off illness; breast-fed babies suffer fewer ear infections, respiratory infections, rashes and allergies than bottle-fed babies. For mothers, nursing lowers the chance of getting breast cancer later in life, accelerates weight loss after pregnancy and may act as a natural (though imperfect) contraceptive.

But can breast-feeding also make a baby smarter?

The answer is still uncertain. But a series of studies shows everything from "small but still detectable" increases in cognitive development to an eight-point IQ difference between breast- and bottle-fed babies. Various measurements, including standard infant testing and even report cards from grade-school children, all give a statistically significant nod to babies who nursed. In one widely publicized 1992 study by Alan Lucas of the Dunn Nutrition Unit



*Nature has its own formula for success*

in Cambridge, Mass., preterm infants who were tube-fed breast milk scored much higher on developmental tests than babies who were tube-fed formula. "It's hard to come out and say, 'Your baby is going to be stupider or sicker if you don't breast-feed,'" says Dr. Lawrence Gartner, chair of the American Academy of Pediatrics' working group on breast-feeding. "But that's what the literature says." (The academy recommends that infants be fed breast milk for the

first 6 to 12 months of life, with appropriate solid foods added between the ages of 4 and 6 months.)

No one can explain exactly why breast milk may be such good brain food. The precise mix of enzymes, long-chain fatty acids and proteins that make up breast milk is so complex that no human engineer could ever duplicate it. And each ingredient has a purpose. Specific fatty acids found in breast

milk have been shown to be critical for neurological development. Certain amino acids are a central component for the development of the retina, which could account for breast-fed babies' increased visual acuity—another way of measuring advanced brain development.

Critics say that trying to quantify the developmental advantages of breast-feeding is an epidemiologist's nightmare. Confounding factors include race, age, socioeconomic

status and parental intelligence. But even formula makers acknowledge that their product will always be a pale imitation. Cow's-milk-based formula, even fortified with iron or fatty acids, simply can't match the complexity of nature's own. "Breast milk gives you things we don't even know about," says Dr. William Goldman, medical director of Wyeth Nutritionals International. The U.S. Food and Drug Administration is currently assessing a fierce debate over adding to formula a polyunsaturated fat that has been shown in some studies to stimulate eye and brain development—and in others to stunt growth.

**Food for thought:** The controversy will likely get louder, as breast-feeding advocates seize on the latest studies to bolster their case. Some researchers on the other hand, suggest that different factors, like a loving home environment, may ultimately prove to be more important than what a child is fed. In a 1996 commentary in the British journal *Lancet*, William and Mark Feldman of the Hospital for Sick Children in Toronto wrote: "The best evidence is that intelligent, loving and caring mothers are more likely to have intelligent children, irrespective of how they feed their babies." But wouldn't it be something if mother's milk turns out to be, ahem, the mother's milk of intelligence?

Bureau Empire

3/10/98

### Babies have a right to mother's milk

In regard to Judy Raynor's letter (Feb. 27) objecting to public breast feeding, I would like to point out that the American Academy of Pediatricians recommends that babies be breast fed for at least one year. The World Health Organization recommends that babies be breast fed for at least two years. Realistically, we mothers cannot follow these recommendations—without sometimes breast feeding in public. Wouldn't it be nice for us to be able to do that without breaking the law and being subject to legalized harassment? Hooray for Sen. Johnny Ellis and Rep. Kim Elton for introducing bills to change this misguided law.

Women who breast feed in public are only trying to do what is best for their babies. We are not getting turned on, nor are we trying to provoke anyone's sexual desires or even attract their attention. Most bystanders would be more offended to have to listen to the cries and screams of a hungry or upset baby than to see a baby peacefully nursing. Those who proclaim that we should pump our milk and feed with a bottle in public probably don't realize how ineffective breast pumps are, especially the affordable ones. Many women cannot maintain their milk supply if they pump rather than nurse more than a couple of times a day. Mothers who are employed outside the home have all they can do to pump enough milk to last through

day care, let alone enough for shopping expeditions, concerts, etc. And besides, the tremendous benefits of breast feeding come not just from the breast milk, but from the act of nursing.

I'll admit that I was shocked and couldn't help staring the first few times I saw mothers breast feeding in public. I, too, questioned whether it was appropriate, because I was ignorant, an ignorance born of being from a generation raised on formula. Our generation grew up thinking that breasts are only for sex. Exposure to public breast feeding will help our children learn a more balanced view.

Rather than putting first the rights of businesses to be free from more restrictions or the rights of those who don't want to witness public breast feeding, let's promote the rights of the people who can't speak for themselves: the babies. Don't babies have a right to get the very best start in life that we can give them? Babies have the right to breast feed in public.

Sharon Blick

re: SB2971

# Lawmakers tackle public breastfeeding

By MARK SABBATINI

THE JUNEAU EMPIRE

Susan Pollard said she never felt uncomfortable or was troubled by others while breast-feeding her three children in public. But she said it's important other mothers feel a similar sense of security.

Legislation guaranteeing women can breast-feed publicly has been introduced by two state lawmakers, including one from Juneau. Pollard, leader of the local chapter of the La Leche League International, which provides instruction and support to breast-feeding women, said she supports the proposals, but regrets they are needed.

"The motivation is commendable that you would want to be supporting such an important activity and such an important relationship between mother and baby," she said today. "I think it's sad it's necessary, that people are so ignorant they

Please see Breastfeeding, Page 8

Juneau Empire

2/16/93

## Breastfeeding...

Continued from Page 1  
think it's inappropriate for a woman to breast-feed in public. Interfering with a woman's right to breast-feed in public would be a class B misdemeanor. Women can currently be prosecuted for indecent exposure and lewd conduct for breast-feeding in public, although there are no known cases where a woman has been charged, said Sen. Johnny Ellis, an Anchorage Democrat who introduced Senate Bill 297. He said he has talked with women in Anchorage who have been asked to leave businesses and experienced other harassment, which often goes unreported.

"I have a feeling things may have happened in Juneau that people don't call the police to report," he said. "They just feel bad about it, and they just take their child and leave." Ellis' bill also prohibits municipalities and businesses from imposing restrictions that interfere with a woman's right to breast-feed in public. In addition, he has introduced Senate Concurrent Resolution 24, seeking an official endorsement by the Legislature for breast-feeding. The resolution notes breast-feeding is healthiest for the mother and child during the first year after birth, but only a small percentage of babies are breast-fed after six months.

Rep. Kim Elton, a Juneau Democrat, is introducing identical measures in the House.

Five other states - Florida, New York, North Carolina, Virginia and Michigan - have enacted similar legislation.

Studies indicate breast-feeding reduces the risk of cancer for both the mother and child, along

with the possibility of other diseases for the child such as diabetes and liver disorders. Ellis, in his resolution, also stated "it may increase the intelligence quotient of the child."

Pollard said the comfort level of women who breast-feed in public depends upon the settings they are used to.

"If you're sort of your basic 35-year-old woman who's planning on breast feeding and a lot of your friends have seen it, (you'll) be more confident," she said. "I think it is more difficult for young women."

Pollard said legislation should also protect women who want to use breast pumps in the workplace, allowing them to bottle-feed that milk to the baby. She said workplaces have set aside spaces for such activities.

# THE ALASKA WOMENS' LOBBY

211 FOURTH STREET, SUITE 108  
JUNEAU, ALASKA 99801

Tel: 907-586-1107  
Fax: 907-586-1097  
E-Mail: dcc@alaska.net

March 9, 1998

Senator Robin Taylor  
Chair, Senate Judiciary Committee  
Capitol Building, Room 30  
Juneau, Alaska 99811

**RE: SB 297**

Dear Senator Taylor:

The Alaska Women's Lobby is comprised of citizen activists who, in 1982, formed a lobbying association dedicated to equality. We work on issues affecting women and children primarily on the state level. We urge you to support SB 297 and schedule a hearing soon on this important legislation.

Breast feeding is good for babies and mothers. A few facts to consider:

**The United States Surgeon General and the American Academy of Pediatrics agree that breast milk is the best form of nutrition for children during the first months of life. Breast milk contains all the nutrients that a child needs for ideal growth and development.**

**The American Academy of Pediatrics recommends exclusive breast feeding for at least the first 12 months of a child's life arrangements should be made to provide expressed breast milk if the mother and child must separate during the first year.**

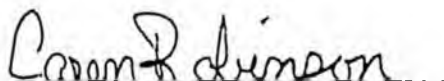
**Women with infants and toddlers are the fastest growing segment of today's labor force.**

**Many employers have seen positive effects on morale and performance when facilitating lactation programs in the work place.**

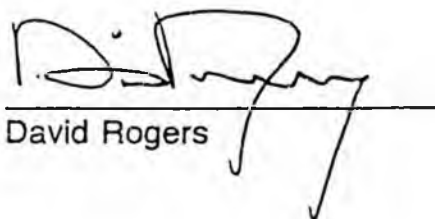
Research and experience have confirmed common sense - there are tremendous, undisputed health benefits and other advantages associated with regular breast feeding of infants. HB 297 ensures the right of moms to nourish their babies with dignity and will help break down artificial barriers to this wholesome practice.

Alaska should make every effort to support and encourage this basic act of nurturing between a mother and her child. This bill is particularly compelling in a time of busy moms and a renewed focus on the importance of children and family.

Yours truly,



Caren Robinson



David Rogers

cc. Senator Ellis

February 26, 1998

Senator Johnny Ellis  
Capital Building, Room #9  
Juneau, AK 99801

Dear Senator Ellis,

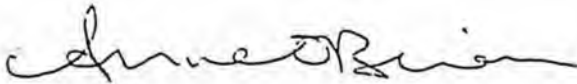
I am writing to you to applaud you for the introduction of SB 297. It is about time someone took the courage to introduce something that should be every infants right. I certainly wish more lawmakers had the same courage and conviction.

Breastfeeding has been proven to be healthier for a baby in nutritive value. People say they want to do everything they can for children and give them the best start in life possible. Why then, would breastfeeding be banned everywhere? Experts now say that babies should be breastfed for at least one year. Does society expect mothers to stay home for that full first year, never to go out in public?

It is unreasonable to expect mothers to immediately drop everything they are doing (work, shopping, waiting in a doctor's office, etc.) and go home to breastfeed. There is no reason why there can not be a place to go for mothers to nurse without having to stay at home twenty-four hours a day.

Breastfeeding, in my opinion, is certainly not "lewd conduct". It is basic, natural, beautiful. Thank you for bringing this subject into the limelight.

Sincerely,



Anne O'Brien  
P.O. Box 3341  
Palmer, AK 99645

February 27, 1998

Senator Johnny Ellis  
State Capitol Building, Rm. #9  
Juneau, Alaska 99801-1182

Dear Senator Ellis,

I have written this letter to show my strong support of Senate Bill 297. I am a single mother of a beautiful 4-year old daughter. Raising my child on my own is a huge responsibility but also has been an enormous learning experience. One of the first decisions I made concerning my baby, was the nourishment I wanted to provide for her. Information provided by health care workers led me to the conclusion that breast-feeding is one of the best gifts I can give my child! I would like all mothers to feel comfortable providing this nourishment to their babies not only in the privacy of their own home, but also in public.

Breast-feeding is a natural act of nourishment and I believe that a mother should have the right to nurse a child without feeling like an outcast or a criminal. I do not think everyone realizes the benefits a child or a mother receives, due to breast-feeding. These benefits include ensuring a healthier future for the baby and providing a more economical option for the mother, which is great for us single parents.

I believe that our children are more prone to colds and infections due to the fact that we live in a cooler climate. Don't we want to help our children put up a stronger shield to help fight off these illnesses? If mothers cannot nurse in public then who is making the decision of when, where, and how to feed our babies? That should be a decision the parents should be able to make. I have also learned that nursing increases the learning ability of a child. Future education of babies and their learning abilities go hand-in-hand. All parents should have this option available to provide a better future for all babies. I would have to say that my daughters' future is very important to me, and I know that other parents feel the same way.

I will encourage others to support SB297 and I look forward to seeing the successful passage of this bill. If I could be of assistance in any area regarding this issue, do not hesitate to let me know.

Sincerely,

*Edna M. Abbott*

Edna M. Abbott  
P.O. Box 32266  
Juneau, Alaska 99803

Dear Senator,

3-8-98

I am writing to you in support of senate bill #297.

I have longed for such legislation in support of breastfeeding.

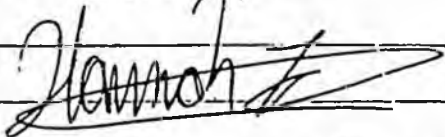
As a breastfeeding mother I have discovered the true meaning of discrimination. In the workplace

I have found I was treated as a lower class citizen.

I lost respect of both my superiors & coworkers.

It is difficult to resolve problems & issues both in the workplace & social settings without a legal precedence. I urge you & all other senators & representatives to pass this bill to protect my breastfeeding rights. Thank you for your time.

Sincerely,



Hannah E. B. Lotton

6938 Stella PL.

Anchorage, AK 99507

(907) 349-1239

Attention to all Senators/Representatives,

I strongly support Breast Feeding/Senate bill #297, because I'm a breast feeding mom myself. As of now the only thing I do is go sit in a cold car around the building, so know one sees, because I refuse to go nurse in the bathroom. This is very inconvenient for me to leave the area <sup>that</sup> I'm at and go to a car to nurse. I have <sup>been</sup> talked to other moms and they agree. I would like to see a special room made for nursing moms, so they can breast feed privately and have a toddler area where the toddler can play free without worry while mom is nursing other. I believe this would help reduce some of the stress on a mother like myself.

Tracy C. Lehm  
2210 E. 23rd Ave  
Anchorage, Ak, 99503  
907) 272-0527

\* Have any questions, please feel free to call

Tracy C. Lehm  
3/8/97

March 13, 1998

Senator Johnny Ellis  
State Capitol Rm 9  
Juneau, AK 99801-1182

Dear Senator Ellis:

I am writing in support of Senate Bill 297 - relating to breast-feeding. I have a seven month old baby boy and nursed him for the first four months of his life.

Although, no one direct<sup>y</sup> told me to leave an establishment because I was breast-feeding my son, I was certainly made to feel uncomfortable. At the time, my son was still nursing every two to two and a half hours and not nursing in public made it nearly impossible to go anywhere.

Some people may not be aware that breast-feeding actually requires a certain state of mind. Many women cannot produce enough milk to feed their infants if they cannot relax. In my particular case, if I felt stressed or uncomfortable then my son would react by fussing and not eating.

I believe that many women would feel more comfortable breast-feeding in public if the legislature showed their support.

Senate Bill 257 is their opportunity  
to show that support.

Thank you for sponsoring this  
legislation.

Sincerely,

Karisse Ackerman  
1170 Coppet St.  
Fairbanks, AK 99709

Saturday, March 7, 1998

POMS View

Page: 1

## POM for Representative Croft



From: Ms. Sandra J Lindeke  
PO Box 232153

Telephone: 522-2379

Anchorage, AK 99523

Constituant

Registered Voter: Y

Bill: SB 297 Title: BREAST-FEEDING IN PUBLIC PLACE  
Message:

AS A FORMER BREAST-FEEDING MOTHER, I HAVE BEEN EMBARRASSED WHEN I TRY TO FEED MY BABIES IN A PUBLIC MALL AND RESTAURANT. OUT OF DESPERATION I WENT TO THE WOMAN'S BATHROOM, SAT ON A STOOL AND FED MY BABY. THIS IS NO WAY TO TREAT OUR CHILDREN. THANK YOU.

Entered in ANC on 3/06/98 POMID: 2504

Distribution: 60

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