

HOUSE No. 4217

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to maternity patients' rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 WHEREAS, scientific data demonstrates that breastfeeding is the best form of infant
2 nutrition and provides certain health benefits for both mothers and children;

3 WHEREAS the Surgeon General and the American Academy of Pediatrics
4 recommend that most babies be exclusively fed with breast milk for the first 6 months of life,
5 and continue on with breast milk through the first year of life;

6 WHEREAS, the U.S. government's Healthy People 2010 goals seek to increase the
7 percentage of women initiating breastfeeding to 75 percent and still continuing to breastfeed
8 when their baby is six months of age to 50 percent;

9 WHEREAS, the effort to increase breastfeeding rates is a shared responsibility among
10 government, family, community, workplace, healthcare professionals, and the public and private
11 sectors;

12 WHEREAS, a mother's decision about how she feeds her baby is personal and it is every
13 mother's right to choose the best feeding options for their babies and themselves, given their life
14 circumstances;

15 WHEREAS, iron-fortified infant formula is a safe and recommended alternative to
16 breast milk within the first twelve months of life.

17 The General Court hereby finds that it shall protect the ability of mothers to receive
18 complete and balanced information on all infant feeding options available before giving birth, in
19 the hospital and after leaving the hospital. Further, the General Court finds it is every mother's
20 right to choose the best feeding options for their babies and themselves.

21 Section 70E of Chapter 111 of the General laws, as appearing in the 2004 Official
22 Edition, is hereby amended by inserting, after the 7th paragraph, the following new paragraph:—

23 Every maternity patient, at the time of admission, shall have the right to be informed and
24 receive complete information and materials, support and counsel from an admitting hospital on
25 all infant feeding choices. When a maternity patient chooses a method of infant feeding, said
26 choice shall be supported and counseled. Health care providers and maternity patients shall have
27 access to infant feeding materials and educational information, including, but not limited to,
28 breast pumps, feeding supplies and bottles, infant formula samples and preparation instructions.
29 Further, sample formula and formula equipment shall be distributed to a breastfeeding maternity
30 patient only when an individual physician order is written or on request of the maternity patient.