

California Breastfeeding Laws

Civil Code § 43.3

Code of Civil Procedure § 210.5

California Labor Code § 1030-1033

Right to Breastfeed in Public

- The law permits a mother to breastfeed her child in any location, public or private, except the private residence of another unless permission is given.

Jury Duty: Breastfeeding Mothers

- Breastfeeding mothers may request that jury duty be deferred for up to one year, subject to renewal, as long as the infant is being breastfed.

California Lactation Accommodation

- Every employer must make a reasonable effort in locating a private space and allowing time to accommodate an employee desiring to express breast milk.
- A private bathroom or toilet stall is **NOT** acceptable.
- Violation of the law shall be subject to a penalty of \$100 for each violation.

For more information:

<http://hhsa.cosb.us/>

<http://www.womenshealth.gov/breastfeeding/>

<http://www.californiabreastfeeding.org/laws.html>

<http://www.llli.org/>

<http://www.womenshealth.gov/breastfeeding/government-in-action/business-case-for-breastfeeding/>

<http://www.usbreastfeeding.org/Workplace/WorkplaceSupport/WorkplaceSupportinHealthCareReform/tabid/175/Default.aspx>

<http://www.cdc.gov/breastfeeding>

<http://www.healthychildren.org>

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Know Your Rights



The information provided is made possible by the Santa Clara County Public Health Department.

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YOUR BREASTFEEDING RIGHTS



International Breastfeeding Symbol

Many people have heard of the health and economical benefits of breastfeeding for the mother, baby, and within society, but how about the laws that protect mothers' rights to provide breastmilk and care for her baby?

You might be surprised that there are several laws in California related to breastfeeding. The Federal and California Maternity / Paternity Leave Chart is useful to understand the various protections employees have regarding the rights to their newborn baby.

FEDERAL & CALIFORNIA MATERNITY/PATERNITY LEAVE

	Paid Vs. Unpaid	Job Protection	Father or Spouse Eligible?	Reason for Leave	Duration (All of the laws below do not need to be taken consecutively.)
FMLA Family Medical Leave Act	Unpaid	Yes	Yes	<ul style="list-style-type: none"> ➤ Personal serious health condition ➤ To bond with a new child ➤ Care for an immediate family member with a serious condition 	Up to 12 weeks
CA PDL California Pregnancy Disability Leave	Paid (partially)	No	No	<ul style="list-style-type: none"> ➤ Disability caused by pregnancy, childbirth, or related medical conditions 	Up to 4 months
CFRA California Family Rights Act (Does not cover for pregnancy leave)	Unpaid	Yes	Yes	<ul style="list-style-type: none"> ➤ Personal serious health condition ➤ To bond with a new child ➤ Care for an immediate family member with a serious condition 	Up to 12 weeks
CA PFL California Paid Family Leave	Paid (partially)	No	Yes	<ul style="list-style-type: none"> ➤ To bond with a new child ➤ Care for an immediate family member 	6 weeks