

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1456

2005 HOUSE HUMAN SERVICES

HB 1456

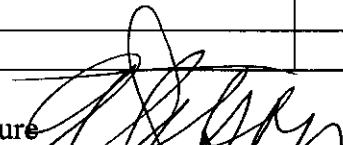
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1456

House Human Services Committee

☐ Conference Committee

Hearing Date January 26, 2005

Tape Number	Side A	Side B	Meter #
# 1	x		27-3021
Committee Clerk Signature 			

Minutes:

Chairman Price opened hearing on HB 1456. 12 members present.

Rep. Potter: This bill was previously presented and we are bringing it back with some language changes. One of which is "shall provide", which seems somewhat ominous, but if you continue through the bill, you can see that it indicates that this will be unpaid time for breaks, to mechanically express breast milk. The employer is not required to provide space for this, but would try and provide a reasonable area for this situation. It does also mention the Labor Dept. with the wording regarding employer/employee relations. 30 states have implemented these regulations.

I truly believe that this reduce leave time, babies that are breast-fed are much healthier. ND is one of the highest 2 income rates, both parents are working. This is a simple bill to assist working mothers to get back to work earlier, and does somewhat assist in reducing health care costs.

Chairman Price: Why doesn't say anything providing storage for the milk?

Rep. Potter: I realize that, but I understand they have some storage components now that take care of that.

Rep. Kaldor: In the last sentence of the bill, refers to "violation". I am assuming that this burden of proof lies with the mother, to prove that the milk expressing would not have unduly disrupted the operations of the employer. Is that how you read it?

Rep. Potter: Yes, in my opinion. The burden of proof would be on the mother.

Rep. Porter: Has there been any problems with employers concerning this area?

Rep. Potter: Not that I know of.

Rep. Porter: The way the bill is written, it doesn't really say or do anything. I wonder about the Dept. of Labor will work with the terms like reasonable etc.

Rep. Potter: If the employee did go to the employer and they would not let them express the milk, or to provide reasonable accommodations, what alternative would they have?

Rep. Porter: On line 10-11, the terms indicate area other than bathroom/stalls. What if the employer does not have the room to comply with this and only has a bathroom w/o stalls that comply with ADA standards.

Rep. Potter: They might have a break room or chair in a corner of an office could be made into somewhat private situation.

Chairman Price: What are you looking at as far as time frames, how often, how long?

Rep Potter: I feel they could accommodated into break times, lunch.

Rep. Devlin: Can you give me an instance in the state that an employer has not been accommodating to this.

Rep. Potter: Not that I know of.

Rep. Devlin: When we have had this bill come up before, I feel that this gives our employers a black eye by trying to impose these type of regulations.

Rep. Potter: I just feel it is an encouragement, not a mandate and not saying that there is a problem.

Rep. Devlin: I certainly agree that we need to encourage this, I think the health dept. is doing this, however, putting this into statute. In my opinion, it appears there is a problem with the employers in ND. I don't feel that is true.

Jill Lippert, ND Dept. of HDN&P Act.

See Attached testimony.

Rep. Porter: There is no place in the bill that it refers that employers are required to provide this area.

J. Lippert: About 30% each.

Rep. Porter: Then what was the other 40% answer.

J. Lippert: There were a variety of answers as they could check more than one reason.

Rep. Porter: Were they prioritized or just grouped.

J. Lippert: I believe they were just grouped.

Rep. Kaldor: I am assuming from your testimony, is that in ND at least 75% of mothers breast feeding. In your estimation this is just a encouragement and not a mandate.

J. Lippert: Yes, I agree, the goal is breast feeding, however the end goal is to have mom's still breast feeding at 6 months. They need that encouragement to go and talk to their employers.

Rep. Kreidt: Passing a bill that an employee can wave in front of an employer, wouldn't an education process be better than trying to pass this bill, which doesn't have much to work with.

J. Lippert: When I talk to mothers, they indicate that when they approach an employer about pumping at work, it seems to be a difficult area to approach. This bill says that ND is behind the mothers that choose breast-feeding and the health of their children while still trying to help the family financially.

Karen Ehrens, ND Dietetic Assn.

See attached testimony.

Close hearing HB 1456.


2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1456

House Human Services Committee

☐ Conference Committee

Hearing Date February 2, 2005

Tape Number	Side A	Side B	Meter #
#1	x		2193-2500
Committee Clerk Signature 			

Minutes:

Chairman Price opened discussion on HB 1456.

Rep. Potter: I really would like to see this bill passed, I feel it is a good bill and does help establish some guidelines for our mothers that are working and also breast feeding.

Rep Kaldor: Motion Do Pass

Rep. Potter: Second

Vote: 3 yes 8 no 1 absent.

Rep.Devlin: Motion Do Not Pass

Rep. Porter: Second

Vote: 9 yes 3 no 0 absent.

HB 1456 - Defeated.

Carrier: Rep. Porter

Date: 2/2/05

#1

Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL
BILL/RESOLUTION NO. HB 456

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do PASS

Motion Made By Rep. Kaldor Seconded By Rep. Potter

Representatives	Yes	No	Representatives	Yes	No
Chairman C.S. Price		✓	Rep.L. Kaldor	✓	
V Chrm.G. Kreidt		✓	Rep.L. Potter	✓	
Rep. V. Pietsch		✓	Rep.S. Sandvig	✓	
Rep.J.O. Nelson		✓			
Rep.W.R. Devlin		✓			
Rep.T. Porter		✓			
Rep.G. Uglem		✓			
Rep C. Damschen		✓			
Rep.R. Weisz	AB				

Total Yes 3 No 8

Absent 1

Floor Assignment Rep.

If the vote is on an amendment, briefly indicate intent:

Date: 2/2/05

Roll Call Vote #: 2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1456

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Rep Devlin Seconded By Rep Porter

Representatives	Yes	No	Representatives	Yes	No
Chairman C.S.Price	✓		Rep.L. Kaldor		✓
V Chrm.G. Kreidt	✓		Rep.L. Potter		✓
Rep. V. Pietsch	✓		Rep.S. Sandvig		✓
Rep.J.O. Nelson	✓				
Rep.W.R. Devlin	✓				
Rep.T. Porter	✓				
Rep.G. Uglem	✓				
Rep C. Damschen	✓				
Rep.R. Weisz	✓				

Total (12) 9 yes No 3

Absent 0

Floor Assignment Rep Porter

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 3, 2005 4:56 p.m.

Module No: HR-23-1790
Carrier: Porter
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1456: Human Services Committee (Rep. Price, Chairman) recommends DO NOT PASS (9 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1456 was placed on the Eleventh order on the calendar.

2005 TESTIMONY

HB 1456

Testimony

House Bill 1456

House Human Services Committee

January 26, 2005; 8:30 a.m.

North Dakota Department of Health

Good Morning, Chairman Price and members of the House Human Services Committee. My name is Jill Leppert, and I am with North Dakota Department of Health's Division of Nutrition and Physical Activity. I am also the breastfeeding coordinator for the department's Special Nutrition Program for Women Infants and Children – or the WIC Program, as it is more commonly called. I am here today to provide testimony in support of House Bill 1456.

Benefits of Breast Milk

The North Dakota Department of Health supports mothers in their efforts to breastfeed their babies. Research shows that breast milk is best for babies and that breastfeeding is necessary for healthy infants, children and mothers. Research also indicates that feeding babies formula increases many health-related costs.

Nationally, the cost of treating diseases and conditions preventable by breastfeeding is more than \$3.6 billion a year. Breast milk protects children against asthma, allergies, diabetes and being overweight or obese. In addition, mothers who breastfeed their babies are less likely to develop breast cancer, ovarian cancer, thyroid cancer, osteoporosis and lupus.

Breastfeeding in North Dakota

One of the Healthy People 2010 goals is to achieve a breastfeeding rate of 75 percent across the nation. In North Dakota, breastfeeding rates have increased from 50 percent of new mothers in 1993 to 61 percent in 2002. However, mothers who begin breastfeeding their babies often do not continue. In fact, a 2002 survey of mothers enrolled in the WIC Program indicated that 57 percent initiated breastfeeding, but only 22 percent were still breastfeeding their babies six months later. In a 2001 survey, new mothers said that the main reason they quit breastfeeding (other than having problems with breastfeeding) was that they returned to work or school.

Expressing Milk in the Workplace

Not every mother is able to take her baby with her to work in order to continue breastfeeding. That's why it's important that mothers be supported at work in their efforts to express milk for their babies' later use.

Mothers who express their milk use either electronic or manual breast pumps. An experienced woman will take only about 15 minutes to express her milk using a double-cup electric pump. Expressing breast milk with a manual pump generally takes a little longer, but for some women this option works best.

Expressed breast milk can be stored safely in a portable cooler with ice packs, so a refrigerator at the worksite is not a necessity.

A room in which a mother can express her milk does not need to be a large space. The biggest concern would be to provide privacy for the mother while she is pumping. That can be done in an office or cubicle, behind a room divider, or in space set aside within a storage room. A do-not-disturb sign could provide added privacy.

Benefits to the Employer

Although pumping at work may not be possible in every job, studies have shown benefits for the employer, including:

- Reduced staff turnover and loss of skilled workers after the birth of children.
- Reduced sick time or personal leave for breastfeeding women because their infants are more resistant to illness.
- Lower health-care costs associated with healthier breastfed babies.
- Higher job productivity, employee satisfaction and morale.
- Added recruitment incentives for women.
- Lower insurance costs for breastfed babies.

Conclusion

Breastfeeding provides the best nutrition for babies and helps ensure healthy babies, children and mothers.

North Dakota has one of the highest rates of employment of mothers of young children. House Bill 1456 will provide these new mothers the support they need to continue breastfeeding their babies upon return to work or school.

This concludes my testimony. I am happy to answer any questions you may have.

January 26, 2005

Testimony for HB 1456

Chairman Price and Members of the House Human Services Committee:

Good afternoon, my name is Karen Ehrens. I am a Licensed, Registered Dietitian (LRD) and appear before you today on behalf of the more than 280 members of the North Dakota Dietetic Association asking for your favorable consideration of HB 1456.

It is agreed by major medical associations including the American Academy of Pediatrics and the American Dietetic Association and government agencies including the US Centers for Disease Control and Prevention (CDC) and the US Department of Agriculture (USDA) that human breast milk is the best food for infants. Breastfeeding benefits both the physical and emotional health of mothers and infants.

In addition to health benefits, breastfeeding provides benefits to society. Mothers who breastfeed experience reduced absenteeism from the workplace and reduced healthcare costs. Employers who support a mother and child can gain employee loyalty and good will. Employers who support mothers in breastfeeding experience less employee turnover and less sick leave. The reduced absenteeism and improved morale can result in increased productivity. Both mothers and employers will benefit from this legislation.

Even with such positive benefits, North Dakota employers are not supporting employees who want to breastfeed. Results from a 2001 survey of over 1000 employers in North Dakota commissioned by the North Dakota Department of Health showed that less than one of every ten respondents (7.2%) recognized that their worksite has practices or policies regarding women who choose to breastfeed their babies. Numerous women who want to continue to provide the optimal food for their child have not succeeded due to the lack of support, time or space considerations at work. Life with a new child is stressful, and many women are not able to find the extra energy that is necessary to overcome these obstacles in order to successfully continue to breastfeed their child and work.

Efforts to increase the rate and duration of breastfeeding are needed in several areas. Education of mothers and healthcare workers needs to continue along with efforts to build an environment where healthy behaviors are supported. Passage of this bill will be an excellent boost to ongoing efforts in North Dakota in both of these areas.

One further benefit: legislation such as this sends a message to the young families we are trying to keep her in the state and to those we are trying to attract. Legislation such as this sends the message that you, the leaders in the North Dakota State Legislature, and employers in North Dakota care about young families. This is another benefit that North Dakota can present to potential employers and employees when selling the quality of life we know exists in our state.

We encourage the legislators of North Dakota to pass this legislation in recognition of the importance of breastfeeding to the current and future health of the state of North Dakota and its children.

Writing for the Board of the North Dakota Dietetic Association,



Karen K. Ehrens, LRD

References

American Academy of Pediatrics Policy Statement on Breastfeeding, "Breastfeeding and the Use of Human Milk", *Pediatrics*, Volume 100, Number 6, pp. 1035-1039, 1997.

American College of Nurse-Midwives Research Summary posted on the website
<http://www.gotmom.org/news/research.htm>, accessed 01/25/05.

American Dietetic Association Position Papers on the Promotion of Breastfeeding, *Journal of the American Dietetic Association*, Volume 97, pp. 662-666, 1997 and Volume 101, p. 1213, 2001.

Cohen R., Mrtek MB, Mrtek RG. Comparison of maternal absenteeism and infant illness rates among breast-feeding and formula-feeding women in two corporations. *American Journal of Health Promotion*, 1995;10:148-53.

Gielen AC, Faden RR, O'Campo P, Brown CH, Paige DM. Maternal employment during the early postpartum period: effects on initiation and continuation of breastfeeding. *Pediatrics*. 1991; 87:298-305.

Health and Wellness in the Worksites of North Dakota, Benchmark Worksite Wellness Survey, completed October 2002, North Dakota Department of Health, Division of Health Promotion.



531 Airport Rd. Suite D • Bismarck, ND 58504 • Phone: (701) 223-1385 • Fax: (701) 223-0575

**House Bill 1456
House Human Services Committee
January 26, 2005**

The North Dakota Nurses Association

The North Dakota Nurses Association is a professional association representing Registered Nurses in the state of North Dakota. The North Dakota Nurses Association supports HB 1456.

Breast milk is the best milk for babies and necessary for healthy infants and children. It is in fact, so important, that Healthy People 2010 identified a breastfeeding rate of 75% as one of their goals. While breastfeeding among new mothers in North Dakota has increased, the sad fact is that once a woman returns to work she often finds it such a "hassle" that she quits breastfeeding her baby.

While many employers in the state are allowing new mothers to bring their babies to work thus facilitating continuation of breast feeding, this is not universally the case. For that reason, it is important that mothers be supported at work in their efforts to express milk to feed their babies at a later time. It normally takes a woman approximately 15 minutes to express her milk. Expressed breast milk can be stored safely in a cooler with ice-packs so a refrigerator at the worksite is not required. What is required is a small space that provides privacy for the woman, This "space" could be achieved with a room divider or a room with a posted "do-not-disturb" sign.

The North Dakota Nurses Association supports breast feeding of infants and babies because it provides the best nutrition and helps ensure healthy babies. Breast milk has the amazing ability to protect babies and children from the pain, suffering and costs associated with numerous chronic health conditions, including the growing problem of childhood obesity.

North Dakota has one of the highest rates of employment of mothers with young children in the nation. A 2001 survey completed by the WIC program indicated that the main reason that new mothers quit breastfeeding was a "return to work" (or school).

Passage of HB 1456 would not only improve the nutrition and health of infants and babies in North Dakota, it would also provide North Dakota employers with improved employee satisfaction and morale, added recruitment incentives for women, as well as reduced staff turnover and loss of skilled workers following childbirth.

The North Dakota Nurses Association asks your support of HB 1456.