



Breastfeeding

National and State Laws

Mission

The mission of UAMS is to improve the health, health care and well-being of Arkansans and of others in the region, nation and world

Vision

By 2029, UAMS will lead Arkansas to be the healthiest state in the region through its synergies of education, clinical care, research and purposeful leadership

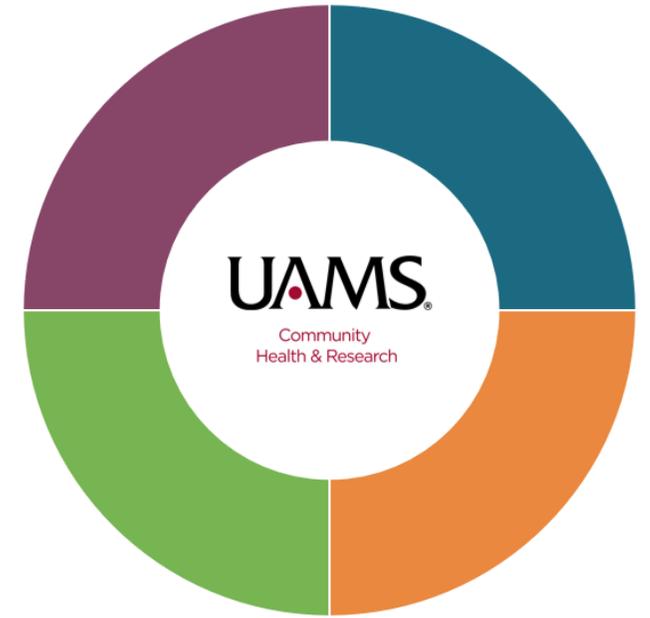
Values

Integrity, Respect, Diversity and Health Equity, Teamwork, Creativity, Excellence, Safety



COMMUNITY HEALTH & RESEARCH

The Community Health and Research team at UAMS Northwest is leading the way to improve health outcomes for all. We seek to identify and understand health needs through research and programs and work to create an environment where every person has access to their best health.



a better state of health for all

Lactation Support Program

- Lactation policy for supporting nursing women
- Private space to express milk (that is not a bathroom)
- Provide reasonable time for employee to express milk



National Laws

- President Obama signed the Affordable Care Act (ACA) on March 30, 2010. (See the combined full text of Public Laws 111-148 and 111-152 [here](#).) Among many provisions, Section 4207 of the law amends the Fair Labor Standards Act (FLSA) of 1938 ([29 U.S. Code 207](#)) to require an employer to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express milk. The employer is not required to compensate an employee receiving reasonable break time for any work time spent for such purpose. The employer must also provide a place, other than a bathroom, for the employee to express breast milk. If these requirements impose undue hardship, an employer that employs fewer than 50 employees is not subject to these requirements. The federal requirements shall not preempt a state law that provides greater protections to employees.

<http://www.ncsl.org/research/health/breastfeeding-state-laws.aspx#State>

Fairness For Breastfeeding Mothers Act of 2019

(Sec. 2) This bill requires that certain public buildings that are open to the public and contain a public restroom provide a lactation room, other than a bathroom, that is hygienic and is available for use by members of the public to express milk. The lactation room must be shielded from public view, be free from intrusion, and contain a chair, a working surface, and (if the building is supplied with electricity) an electrical outlet.

A public building may be excluded from such requirement at the discretion of the official responsible for its operation if

- it does not contain a lactation room for employees and does not have a space that could be repurposed as one or that could be made private by using portable materials, at a reasonable cost; or
- the cost of new construction required to create a lactation room is not feasible.

<https://www.congress.gov/bill/116th-congress/senate-bill/528/text>

Arkansas State Laws

- **Ark. Stat. Ann. § 5-14-112** (2007) defines indecent exposure and specifies that a woman is not committing indecent exposure for breastfeeding a child in a public place or any place where other individuals are present. (**2007 Ark. Acts, Act 680**; HB 2411)
- **Ark. Stat. Ann. § 11-5-116** (2009) requires an employer to provide reasonable unpaid break time each day to an employee who needs to express breast milk for her child and requires an employer to make a reasonable effort to provide a private, secure and sanitary room or other location other than a toilet stall where an employee can express her breast milk. (**2009 Ark. Acts, Act 621**, HB 1552)
- **Ark. Stat. Ann. § 20-27-2001** (2007) allows a woman to breastfeed a child in a public place or any place where other individuals are present. (**2007 Ark. Acts, Act 680**; HB 2411)

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Links to Additional Information

- [Fact Sheet on Break Time for Nursing Mothers under the FLSA](#), U.S. Department of Labor
- [Break Time for Nursing Mothers](#), U.S. Department of Labor
- [Frequently Asked Questions – Break Time for Nursing Mothers](#), U.S. Department of Labor
- [Preventive Services Covered Under the Affordable Care Act](#), NCSL webpage
- [Women’s Preventive Services Guidelines](#), Health Services and Resources Administration, U.S. Department of Health and Human Services
- [Affordable Care Act Rules on Expanding Access to Preventive Services for Women](#), HHS.gov/HealthCare, U.S. Department of Health and Human Services, August 2011

<http://www.ncsl.org/research/health/breastfeeding-state-laws.aspx#State>