California Breastfeeding Laws

Know Your Rights

Right to Breastfeed in Public
- The law permits a mother to breastfeed her child at 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.lli.org/
- http://www.cdc.gov/breastfeeding
- http://www.healthychildren.org

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

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YOUR BREASTFEEDING RIGHTS

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.

<table>
<thead>
<tr>
<th>Federal &amp; California Maternity/Paternity Leave</th>
<th>Paid Vs. Unpaid</th>
<th>Job Protection</th>
<th>Father or Spouse Eligible?</th>
<th>Reason for Leave</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>FMLA Family Medical Leave Act</td>
<td>Unpaid</td>
<td>Yes</td>
<td>Yes</td>
<td>Personal serious health condition, To bond with a new child, Care for an immediate family member with a serious condition</td>
<td>Up to 12 weeks</td>
</tr>
<tr>
<td>CA PDL California Pregnancy Disability Leave</td>
<td>Paid (partially)</td>
<td>No</td>
<td>No</td>
<td>Disability caused by pregnancy, childbirth, or related medical conditions</td>
<td>Up to 4 months</td>
</tr>
<tr>
<td>CFRA California Family Rights Act (Does not cover for pregnancy leave)</td>
<td>Unpaid</td>
<td>Yes</td>
<td>Yes</td>
<td>Personal serious health condition, To bond with a new child, Care for an immediate family member with a serious condition</td>
<td>Up to 12 weeks</td>
</tr>
<tr>
<td>CA PFL California Paid Family Leave</td>
<td>Paid (partially)</td>
<td>No</td>
<td>Yes</td>
<td>To bond with a new child, Care for an immediate family member</td>
<td>6 weeks</td>
</tr>
</tbody>
</table>