PHOTOGRAPHS BY SUSAN BIDDLE — THE WASHINGTON POST

Kristin King of Vienna and daughter Olivia, above, and Karen Graf of Alexandria and son Garrett at a protest last fall at Reagan National Airport.

A Right for Moms and Babies

The District Needs a Law to Protect the Need to Breast-Feed

A mother is forced to pump breast milk while sitting in her office toilet stall, balancing the pump on one knee. A mother comforting her baby at the pediatrician's office is ordered to stop breast-feeding. A mother argues for permission to nurse her hungry 2-month-old son while waiting to apply for his passport at a District post office.

After hearing these stories and many like them, local attorney Micah Salb decided something had to be done to protect the rights of breast-feeding women in the District. On Tuesday, a bill he initiated, the Child's Right to Nurse Human Rights Amendment Act of 2007, was introduced by D.C. Council member Jim Graham (D-Ward 1).

Though many states have pending legislation regarding the rights of breast-feeding mothers, only 20 states have laws that exempt breast-feeding from public indecency laws, according to the National Conference of State Legislatures. Protections that may seem obvious to nursing mothers are not spelled out by the law, which means women have no legal recourse.

The District has no laws with wording specific to breast-feeding. So, technically, a woman could be charged with indecent exposure for nursing in public. Maryland law allows women, without restriction, to breast-feed on public or private property. Virginia law, which offers even broader protection, exempts breast-feeding from public indecency laws, encourages employers to support breast-feeding and allows a nursing mother to be exempt from jury duty.

On March 1, Wyoming became the latest state to exempt breast-feeding from indecent-exposure laws when legislation was signed by Gov. Dave Freudenthal (D). Many additional protections, which relate to breast-feeding mothers and the workplace, were cut from the original bill under pressure from lobbyists concerned that the legislation would be too costly for Wyoming businesses.

Regarding the District legislation, which includes many similar protections, Salb told me recently, "Any cost associated with this law will be more than made up for by increased productivity and women returning to the workforce earlier."

The bill, if enacted, would make clear that a woman couldn't be charged with indecent exposure for breast-feeding; permit a breast-feeding woman to stay anyplace she is otherwise permitted to be; require employers to make a reasonable effort to give break time and provide a clean and private place to express milk or breast-feed; and bar discrimination based on breast-feeding.

Despite the surgeon general's recommendation that women breast-feed because of the associated health benefits to children, among them a reduced incidence of respiratory and ear infections and a generally enhanced immune response, the struggle for public acceptance continues.

According to the District legislation, nearly 50 percent of all mothers choose formula over breast milk before they leave the hospital, and only 20 percent are still breast-feeding by the time their babies are 6 months old. Although there are many reasons women don't breast-feed exclusively or at all, public acceptance may play a major role.

So does economic disparity. As Pat Shelly, director of the Breastfeeding Center of Greater Washington, says, referring to a coffee shop near her downtown office: "The CEOs all have places to pump, but those baristas, where would they go to pump? When the line is long, how do they have a chance?"

As a District resident and new mother still nursing a 1-year-old, I struggled through months of sleep deprivation and physical challenges to succeed at breast-feeding. The idea that our current laws leave me and other women vulnerable to inconvenience, humiliation or discrimination is unacceptable. The self-doubt so familiar to new moms is difficult enough. The law should work for us, not against us.

The proposed law should be passed as soon as possible.

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