



Are you a breastfeeding mom? Know your rights.

If you feel you have been unfairly treated while breastfeeding please contact the appropriate agency.

❖ ***NH Breastfeeding Law, Commission for Human Rights 603-271-2767***

Title X:132:10-d. Breast-feeding a child does not constitute an act of indecent exposure and to restrict or limit the right of a mother to breast-feed her child is discriminatory.

New Hampshire law RSA 132.10d, enacted in 1999 protects a woman's right to breastfeed in public. If a woman feels she has been discriminated against, she should file a complaint with the [New Hampshire Commission for Human Rights](#).

- File your complaint as soon as possible. A charge MUST be filed within 180 days of the last date of alleged discrimination. (Under certain circumstances a charge may be filed up to 300 days from the date of alleged discrimination. If you are beyond 180 days, contact the Commission immediately to find out if you can file a charge.)

You may contact the Commission either by telephone or in writing by using an Intake Questionnaire form. Neither being interviewed nor filling out the questionnaire automatically creates a formal charge of discrimination. You will be contacted if your situation comes under the Commission's jurisdiction.

The Intake Questionnaire form is available online at <http://www.nh.gov/hrc/howto.html>

❖ ***Break Time for Nursing Mother Law, US Department of Labor, NH office 603-666-7716***

Effective March 23, 2010, the US Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require employers to provide a nursing mother a place and reasonable break time to express breast milk after the birth of her child. The following is required:

- Reasonable time to express breast milk each time it is needed during the day, up to the baby's first birthday, and
- A place, other than a bathroom, that is private to express breast milk.

- An employer that employs fewer than 50 employees and proves an undue hardship may be exempt. The employer must apply for exemption through the Department of Labor.
- Nothing in this law shall preempt a State law that provides greater protections. NOTE: New Hampshire does not currently have a Break Time for Nursing Mothers State law.

If you believe your employer is not complying with this law, you have a right to contact the Federal Department of Labor, Wage and Hour Division (WHD). Upon calling your local WHD office, an intake person will ask for the complaint to be described and will verify your place of employment. The clerk will inquire if the employer is a "qualifying place of employment" and if they fall under the Wage and Hour Department laws. If you do not know the answer, you may still file a complaint. The WHD can determine that information. The complaint will then be marked valid or not. A valid complaint will be investigated. A Break Time for Nursing Mothers fact sheet is available online at <http://www.dol.gov/whd/regs/compliance/whdfs73.htm>

To view other States' breastfeeding legislation:

www.ncsl.org/IssuesResearch/Health/BreastfeedingLaws/tabid/14389/Default.aspx

Breastfeeding Support Resources

New Hampshire WIC Nutrition Program <http://www.dhhs.nh.gov/dphs/nhp/wic/index.htm>

Business Case for Breastfeeding www.womenshealth.gov/breastfeeding/

Le Leche League International www.llli.org/

Women's Health <http://www.womenshealth.gov/breastfeeding/>

NH DHHS Breastfeeding Promotion and Support

www.dhhs.nh.gov/dphs/nhp/wic/breastfeeding.htm

NH Breastfeeding Task Force www.nhbreastfeedingtaskforce.org/index.html

General Breastfeeding Questions and Information

NH State WIC Breastfeeding Coordinator, Lissa Sirois, RD, IBCLC

603-271-0571 or email Lissa.a.Sirois@dhhs.state.nh.us

