

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Right
5 to Breastfeed Act.

6 Section 5. Purpose. The General Assembly finds that breast
7 milk offers better nutrition, immunity, and digestion, and may
8 raise a baby's IQ, and that breastfeeding offers other benefits
9 such as improved mother-baby bonding, and its encouragement has
10 been established as a major goal of this decade by the World
11 Health Organization and the United Nations Children's Fund. The
12 General Assembly finds and declares that the Surgeon General of
13 the United States recommends that babies be fed breastmilk,
14 unless medically contraindicated, in order to attain an optimal
15 healthy start.

16 Section 10. Breastfeeding Location. A mother may
17 breastfeed her baby in any location, public or private, where
18 the mother is otherwise authorized to be, irrespective of
19 whether the nipple of the mother's breast is uncovered during
20 or incidental to the breastfeeding; however, a mother
21 considering whether to breastfeed her baby in a place of
22 worship shall comport her behavior with the norms appropriate
23 in that place of worship.

24 Section 15. Private right of action. A woman who has been
25 denied the right to breastfeed by the owner or manager of a
26 public or private location, other than a private residence or
27 place of worship, may bring an action to enjoin future denials
28 of the right to breastfeed. If the woman prevails in her suit,
29 she shall be awarded reasonable attorney's fees and reasonable
30 expenses of litigation.

1 Section 90. The Illinois Insurance Code is amended by
2 changing Section 356s as follows:

3 (215 ILCS 5/356s)

4 Sec. 356s. Post-parturition care.

5 (a) An individual or group policy of accident and health
6 insurance that provides maternity coverage and is amended,
7 delivered, issued, or renewed after the effective date of this
8 amendatory Act of 1996 shall provide coverage for the
9 following:

10 (1) a minimum of 48 hours of inpatient care following a
11 vaginal delivery for the mother and the newborn, except as
12 otherwise provided in this Section; or

13 (2) a minimum of 96 hours of inpatient care following a
14 delivery by caesarian section for the mother and newborn,
15 except as otherwise provided in this Section.

16 A shorter length of hospital inpatient stay for services
17 related to maternity and newborn care may be provided if the
18 attending physician licensed to practice medicine in all of its
19 branches determines, in accordance with the protocols and
20 guidelines developed by the American College of Obstetricians
21 and Gynecologists or the American Academy of Pediatrics, that
22 the mother and the newborn meet the appropriate guidelines for
23 that length of stay based upon evaluation of the mother and
24 newborn and the coverage and availability of a post-discharge
25 physician office visit or in-home nurse visit to verify the
26 condition of the infant in the first 48 hours after discharge.

27 (b) An individual or group policy of accident and health
28 insurance that provides maternity coverage and is amended,
29 delivered, issued, or renewed after the effective date of this
30 amendatory Act of the 93rd General Assembly shall provide
31 coverage for services provided by a certified lactation
32 consultant pursuant to a physician's order. Benefits provided
33 under this subsection (b) may be made subject to a deductible,
34 co-payment, or co-insurance requirement.

1 (Source: P.A. 89-513, eff. 9-15-96; 90-14, eff. 7-1-97.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.