



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 3211

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3211 by replacing  
3 everything after the enacting clause with the following:

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.

1           Section 15. Private right of action. A woman who has been  
2 denied the right to breastfeed by the owner or manager of a  
3 public or private location, other than a private residence or  
4 place or worship, may bring an action to enjoin future denials  
5 of the right to breastfeed. If the woman prevails in her suit,  
6 she shall be awarded reasonable attorney's fees and reasonable  
7 expenses of litigation.

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

10           (215 ILCS 5/356s)

11           Sec. 356s. Post-parturition care.

12           (a) An individual or group policy of accident and health  
13 insurance that provides maternity coverage and is amended,  
14 delivered, issued, or renewed after the effective date of this  
15 amendatory Act of 1996 shall provide coverage for the  
16 following:

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

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

23           A shorter length of hospital inpatient stay for services  
24 related to maternity and newborn care may be provided if the  
25 attending physician licensed to practice medicine in all of its  
26 branches determines, in accordance with the protocols and  
27 guidelines developed by the American College of Obstetricians  
28 and Gynecologists or the American Academy of Pediatrics, that  
29 the mother and the newborn meet the appropriate guidelines for  
30 that length of stay based upon evaluation of the mother and  
31 newborn and the coverage and availability of a post-discharge

1 physician office visit or in-home nurse visit to verify the  
2 condition of the infant in the first 48 hours after discharge.

3 (b) An individual or group policy of accident and health  
4 insurance that provides maternity coverage and is amended,  
5 delivered, issued, or renewed after the effective date of this  
6 amendatory Act of the 93rd General Assembly shall provide  
7 coverage for services provided by a certified lactation  
8 consultant pursuant to a physician's order. Benefits provided  
9 under this subsection (b) may be made subject to a deductible,  
10 co-payment, or co-insurance requirement.

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

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.".