

#10
CB117416

JL
SOCR, Breastfeeding Protection, ORD
March 6, 2012
Version #3

ORDINANCE _____

1
2 AN ORDINANCE relating to Unfair Public Accommodation Practices; amending sections
3 14.06.020 and 14.06.030 to add the right of a mother to breastfeed her child in places of
4 public accommodation free from discrimination.

5 WHEREAS, breastfeeding discrimination is a race and social justice issue with people of color
6 in Seattle experiencing lower breastfeeding rates and higher rates of preterm birth,
7 infant mortality, maternal mortality, diabetes and obesity than white residents; and

8 WHEREAS, infant mortality and low birth weight disproportionately impact Native American
9 and African American women in King County, and addressing this disproportionality has
10 been a Seattle Women's Commission priority since 2006 ; and

11 WHEREAS, eliminating societal barriers to breastfeeding will enable more women to successfully
12 continue to breastfeed their children for longer. While 75% of U.S. babies start out breastfeeding
13 according to the Centers for Disease Control and Prevention, only 13% are exclusively breastfed
14 for the recommended six months; and according to the Centers for Disease Control and
15 Prevention, only 13% are exclusively breastfed for the recommended six months; and

16 WHEREAS, anything less than exclusive breastfeeding for the first 6 months of life increases
17 health risks for babies, particularly to the immune and digestive systems and yet this
18 marker is difficult to attain when women are not supported or face discrimination for
19 breastfeeding their children in places of public accommodation; and

20 WHEREAS, in 2009, House Bill 1596 passed the Washington State Legislature unanimously and
21 was signed into law by Governor Gregoire. The law amended the Washington Law
22 Against Discrimination (WLAD) to include civil rights protections for mothers to
23 breastfeed their child in any place of public accommodation; NOW, THEREFORE,

24 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

25 Section 1. Section 14.06.020 of the Seattle Municipal Code, last amended by Ordinance 123527,
26 is as follows:

27 SMC 14.06.020 Definitions.

28 Definitions as used in this chapter, unless additional meaning clearly appears from the
context, shall have the meanings subscribed:

1 L. "Discrimination" means any conduct, whether by single act or as part of a practice, the
2 effect of which is to adversely affect or differentiate between or among individuals or
3 groups of individuals, because of race, color, creed, religion, ancestry, national origin,
4 age, sex, marital status, parental status, sexual orientation, gender identity, political
5 ideology, honorably discharged veteran or military status, participation in a Section 8
6 program, the presence of any disability, ~~or~~ the use of a service animal by a disabled
7 person, or the right of a mother to breastfeed her child.

8 ***
9

10 AA. "The right of a mother to breastfeed her child" means a mother's right to feed her
11 child directly with milk from her breast or to pump milk from her breast for future
12 consumption by her child, without being required to cover her breast or to move to a
13 particular location within or outside of the public accommodation on account of the act of
14 breastfeeding.

15
16 Section 2. Section 14.06.030 of the Seattle Municipal Code, last amended by Ordinance
17 123527, is amended as follows:

18
19 SMC 14.06.030 Unfair practices.

20 A. Unfair practices as defined in this chapter are contrary to the public peace, health,
21 safety and general welfare and are prohibited by the City in the exercise of its police
22 power.

23
24 B. It is an unfair practice for any person to discriminate in a place of public
25 accommodation by:
26

- 1 1. Requiring, directly or indirectly, any person to pay a larger sum than the usual uniform
2 rates; or
- 3 2. Refusing or withholding admission, patronage, custom, presence, frequenting,
4 dwelling, staying, or lodging; or
- 5 3. Denying, directly or indirectly, the full enjoyment of any available goods, services,
6 accommodations, facilities, privileges or advantages; or
- 7 4. Printing, circulating, issuing, displaying, posting, mailing or otherwise causing,
8 directly or indirectly, to be published a statement, advertisement or sign which indicates
9 directly or indirectly that the full enjoyment of the goods, services, facilities, privileges,
10 advantages, and accommodations will be refused, withheld, denied or in some manner
11 limited or restricted or that an individual's patronage of or presence at a place of public
12 accommodation is objectionable, unwelcome, unacceptable or undesirable; or
- 13 5. Harassing, intimidating, or otherwise abusing any person or person's friends or
14 associates because of race, color, creed, religion, ancestry, national origin, age, sex,
15 marital status, parental status, sexual orientation, gender identity, political ideology,
16 honorably discharged veteran or military status, participation in a Section 8 program, the
17 presence of any disability, ~~or~~ the use of a trained dog guide or service animal by a
18 disabled person, or a mother breastfeeding her child with the purpose or effect of denying
19 to such person the rights granted in this chapter; or
- 20 6. Harassing, intimidating, retaliating, or obstructing a person in any manner because
21 such person complied with or proposed to comply with this chapter or any order issued
22
- 23
- 24
- 25
- 26
- 27
- 28

1 under this chapter, or filed a charge or complaint, testified, or assisted in any
2 investigation, proceeding or hearing under this chapter; or

3 7. Coercing, intimidating, threatening or otherwise interfering with any person in the
4 exercise or enjoyment of or on account of his or her having aided or encouraged any
5 other person in the exercise or enjoyment of any right granted or protected under this
6 chapter; or

7
8 8. Applying any economic sanctions or denying membership privileges because of
9 compliance with this chapter; or

10
11 9. Aiding, abetting, inciting, compelling or coercing the doing of any act defined in this
12 chapter to be an unfair practice; or

13 10. Attempting to commit any act defined in this chapter to be an unfair practice.

14 ***

15
16 Section 3. This ordinance shall take effect and be in force 30 days after its approval by the
17 Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
18 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

1 Passed by the City Council the ____ day of _____, 2012, and
2 signed by me in open session in authentication of its passage this
3 ____ day of _____, 2012.

4 _____
5 President _____ of the City Council

6
7 Approved by me this ____ day of _____, 2012.

8 _____
9 Michael McGinn, Mayor

10 Filed by me this ____ day of _____, 2012.

11 _____
12
13 Monica Martinez Simmons, City Clerk

14 (Seal)

15
16
17
18
19
20
21
22
23
24
25
26
27
28

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Office for Civil Rights	Jacque Larrainzar	Joe Regis 615-0087

Legislation Title: AN ORDINANCE relating to Unfair Public Accommodation Practices; amending sections 14.06.020 and 14.06.030 to add the right of a mother to breastfeed her child in places of public accommodation free from discrimination

Summary of the Legislation:

Amends the City's public accommodation law to say that it is an unfair practice to deny a mother her right to breastfeed her child in public places.

Background:

House Bill 1596 passed unanimously and was signed into law in 2009. The bill amended RCW 49.60, the Washington Law Against Discrimination(WLAD) to include protections for women who are breastfeeding in public places. Amending Seattle's public accommodation ordinance would provide the Seattle Office for Civil Rights to enforce this law within Seattle.

Please check one of the following:

X This legislation does not have any financial implications.





City of Seattle
Office of the Mayor

January 31, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that provides civil rights protection for mothers to breast feed her child in places of public accommodation. Breastfeeding discrimination is a race and social justice issue. As with many health indicators, race-based disparities exist. In Seattle, communities of color experience the lowest breastfeeding rates and the highest rates of preterm birth, infant mortality, maternal mortality, diabetes and obesity. Anything less than exclusive breastfeeding for the first 6 months of life increases health risks for babies, particularly to the immune and digestive systems. However, this marker is difficult to attain when women are not supported, and worse, face discrimination, for feeding their children in public. Infant mortality and low birth weight disproportionately affect Native American and African American women in King County and addressing this has been a Seattle Women's Commission priority since 2006.

Low-income children, who are at greatest risk for obesity, are also the least likely to breastfeed, even though formula feeding is considerably more expensive than breastfeeding. This is important to note as low-income mothers are often those who are harassed for breastfeeding in places of public accommodation, for example, on public transportation. Eliminating societal barriers to breastfeeding will enable more women to successfully continue to breastfeed their children for longer. While 75 percent of U.S. babies start out breastfeeding, the Centers for Disease Control and Prevention says, only 13 percent are exclusively breastfed for the recommended six months.

Forty states other than Washington have laws with language that allow women to breastfeed in public and private locations. While Seattle residents are protected through the state law, a City-level ordinance amendment would reinforce the protection and allow for the Seattle Office for Civil Rights to investigate cases that occur within Seattle. Currently a person who does not want to file through the courts would only be able to file a charge of discrimination through the Washington State Human Rights Commission in Olympia and facing severe cutbacks due to the state budget crisis, specifically for outreach and education. City-level enforcement of the public breastfeeding law will help ensure equity for all women in Seattle. Thank you for your consideration of this legislation. Should you have questions, please contact Julie Nelson at 233-7822.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcgin@seattle.gov

