

(S. B. 415)

(No. 239)

(Approved November 6, 2006)

AN ACT

To amend subsection (i) of Section 2, amend Section 3, repeal current Section 7, and redesignate current Sections 8, 9, 10, and 11 of Act No. 427 of December 16, 2000 as 7, 8, 9, and 10, respectively, to temper the existing legislation to the needs of breastfeeding mothers, so that they may breastfeed or express breast milk in the workplace; to extend to one (1) hour the breastfeeding period available to mothers; and for other related purposes.

STATEMENT OF MOTIVES

Breastfeeding is recognized as the most excellent nutrition method for infants. Its benefits for the physical and mental health of children are unequalled. Recent studies show that conditions such as respiratory illness, malnutrition, ear and urinary tract infections, vitamin A deficiencies and sudden infant death, among others, may be reduced by breastfeeding, because breast milk contains antibodies that prevent said conditions.

Breastfeeding may also have positive consequences for the health of the mother, because it reduces the risk of anemia, breast and ovarian cancer, and osteoporosis in later life.

Along with the benefits for the physical health of both the mother and child, breastfeeding offers very special psychological and social advantages, because it fosters the development of an even closer bond between mother and child. It helps the baby to develop into a more self-assured, independent, and spontaneous human being.

On December 16, 2000, Act No. 427 was approved with the active participation of organized groups of women, health professionals and labor unions, to regulate the period to breastfeed or to express breast milk. Said Act grants half (1/2) an hour or two (2) fifteen (15)-minute periods during each full-time working day to full-time working mothers to breastfeed or express breast milk for a term of twelve (12) months after their return to work. Although said legislation achieved the recognition of a minimum of time to express breast milk in the workplace, the half-hour period is not ideal for the healthy production of breast milk.

The drafting of the original bill (H. B. 127 of January 24, 1997) intended the establishment of a “Breastfeeding Leave for Working Mothers” for the purpose of granting one (1) hour during each eight (8) hour working day to working mothers. Health professionals and breastfeeding experts that attended the public hearings for the original bill stated the need for frequency of expressing breast milk to maintain the production thereof and for one (1) hour to be granted for the breastfeeding mother to divide into two or three periods during the working day.

Last quadrennium, an unsuccessful attempt was made to amend Act No. 427, so that the time allowed for the mother to express breast milk or breastfeed her baby to be concurrent with the period contemplated in the original bill. Moreover, it was attempted to provide a discreet, secure and hygienic location for breastfeeding mothers to express breast milk. The matter is once again brought before the consideration of the Legislature for the breastfeeding leave to become truly effective.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.— Subsection (i) of Section 2 of Act No. 427 of December 16, 2000, is hereby amended to read as follows:

“Section 2.— Definitions:

(a) ...

- (i) “Employer” — Any natural or juridical person for whom a mother works. This includes the public sector, the central government agencies, public corporations and municipalities, the Judiciary Branch, and the private sector.”

Section 2.— Section 3 of Act No. 427 of December 16, 2000, is hereby amended to read as follows:

“Section 3.— The period granted to breastfeed or to express breast milk is hereby regulated by granting working mothers who return to work after enjoying maternity leave the opportunity to nurse their children for an hour during each full-time working day, a period which may be divided into two thirty (30)-minute sessions or three (20)-minute sessions, to go to where the child to be breastfed is being cared for, should the Company or Employer have a Child Care Center in its facilities, or to express breast milk at the place provided for such purposes in the workplace.

In the case of businesses considered as small businesses in accordance with the size regulations of the Small Business Administration (SBA), these shall be bound to provide a period of half (1/2) an hour during each full-time working day for breastfeeding mothers to breastfeed or express breast milk which may be divided into two (15)-minute periods.”

Section 3.— Section 7 of Act No. 427 of December 16, 2000 is hereby repealed.

Section 4.— Current Section 8 of Act No. 427 of December 16, 2000 is hereby redesignated as Section 7 and amended to read as follows:

“Section 7.— All employers shall guarantee to all working mothers who so request, the right to breastfeed their children or to express breast milk. Once the schedule to breastfeed or to express breast milk is agreed upon

between the breastfeeding mother and the employer, it shall not be changed without the express consent of both parties.”

Section 5.— Current Section 9 of Act No. 427 of December 16, 2000, is hereby redesignated as Section 8, and amended to read as follows:

“Section 8.— Any employer of a private company who grants its employees the period to nurse their babies granted by this Act shall be exempted from the payment of annual taxes equal to one (1) month of the salary of the employees exercising said right. The tax incentive shall only apply to the employer and not to the employee who uses the period to breastfeed or to express breast milk.”

Section 6.— Current Sections 10 and 11 of Act No. 427 of December 16, 2000, are hereby redesignated as Sections 9 and 10, respectively.

Section 7.— This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 239 (S.B. 415) of the 4rd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (i) of Section 2, amend Section 3, repeal current Section 7, and redesignate current Sections 8, 9, 10, and 11 of Act No. 427 of December 16, 2000 as 7, 8, 9, and 10, respectively, to temper the existing legislation to the needs of breastfeeding mothers, so that they may breastfeed or express breast milk in the workplace; to extend to one (1) hour the breastfeeding period available to mothers; and for other related purposes,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 13th of March of 2007.

Francisco J. Domenech
Director