

Breastfeeding in Public and Pumping at Work

When questions arise about breastfeeding in public or pumping breastmilk in the workplace, we can look to laws that have been placed to protect breastfeeding at both the state and federal level. For the purpose of state law, this article will look at Ohio, but will also provide information about where to access West Virginia breastfeeding law.

Breastfeeding In Public

In Ohio, Ohio Revised Code 3781.55 states:

“A mother is entitled to breast-feed her baby in any location of a place of public accommodation wherein the mother is otherwise permitted.” A link to the law can be found at <https://codes.ohio.gov/ohio-revised-code/section-3781.55>.

It is further explained in Ohio Revised Code 4112.01 that “place of public accommodation means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public.” A link to the law can be found at <https://codes.ohio.gov/ohio-revised-code/section-4112.01>.

To learn about West Virginia Code and a child’s right to nurse in West Virginia, one may visit <https://code.wvlegislature.gov/16-1-19/>.

It is up to each state to decide about public breastfeeding. USDA has provided a resource for all 50 states that can be found here:

<https://wicworks.fns.usda.gov/topic/breastfeeding/50-state-summary-breastfeeding-laws>.

There is no federal law about public breastfeeding. Federal law does provide protection for a mother to pump breastmilk while at work.

Pumping at Work

Two federal laws provide protection to nursing mothers who choose to pump at work:

- Break Time for Nursing Mothers – passed in 2010 as part of the Affordable Care Act.
- The PUMP (Provide Urgent Maternal Protections) Act took effect in 2023. It expanded coverage already in place by the Fair Labor Standards Act (FLSA).

Both laws are specific to certain types of employment, and require that mothers who need to pump have access to:

- A private, functional space that isn't a bathroom, and
- A reasonable break time to pump each time you need to express milk while at work.

Pumping at work rights are for one year after the birth of the mother's child. Time pumping, that exceeds already scheduled breaks, may not be paid or authorized by an employer. More detailed information may be found on the USDA website <https://wicbreastfeeding.fns.usda.gov/your-breastfeeding-rights>, and the US Department of Labor website <https://www.dol.gov/agencies/whd/nursing-mothers/faq>.

What does WIC do to support breastfeeding and pumping?

1. WIC welcomes interaction from all individuals seeking information about breastfeeding, support for breastfeeding, or questions about breastfeeding. An individual does not need to apply, qualify, or participate in WIC to receive information and support.
2. WIC provides participating breastfeeding mothers with needed supplies such as manual breast pumps, milk storage bags, and nursing pads.
3. WIC provides participating nursing mothers with healthy food benefits she can purchase at the store with a WIC benefit card.
4. WIC follows up with supportive communication to participating nursing mothers from birth until their baby's first birthday.
5. WIC makes available information regarding state and federal protections for nursing mothers and their babies.

If you would like more information about breastfeeding or would like to schedule an appointment to participate in WIC, please contact the Meigs County Health Department/WIC Program, 112 E. Memorial Dr. Suite A, Pomeroy, OH 45769. Meigs County WIC can also be reached by phone at 740-992-0392.

Stacy Paul

WIC Breastfeeding Peer

Meigs County Health Department/WIC Program

