Breastfeeding Policy Updates

NWA 27th Annual Washington Leadership Conference

February 27, 2017
Outline

- Breastfeeding Supports within ACA
  - Funding for CDC, esp. Maternity Care Practice Programs
  - “Break Time” (Workplace Support) Provision
  - Health Plan Coverage

- Bills to be Reintroduced in 115th Congress
  - Supporting Working Moms Act (SWMA)
  - Friendly Airports for Mothers (FAM) Act

- Bills Passed in 114th Congress
  - Safe Meds for Moms/Babies Act
  - BABES Act
CDC FUNDING

www.usbreastfeeding.org/cdc-funding
Prevention & Public Health Fund (PPHF)

- Created by ACA in 2010 (Sec. 4002)
- Target for elimination in last year’s repeal bill -> House majority (E&C Cte) discussion draft just released would repeal starting in FY19
- Supplies more than 12% of CDC budget, including core public health programs
- CDC budget authority decreased by 11.4% since FY10, PPHF has helped make up difference

TFAH Webpage: http://healthyamericans.org/health-issues/pphf/
CDC Breastfeeding Funds

- Joint letter to Congressional Appropriations Cte leaders w/ briefing document: 7 March 2011
  - Co-signed by 38 national organizations and 98 regional/state/local organizations
  - Asked for $15 million for breastfeeding support initiatives

- Allocated from PPHF since FY12
  - FY12 = $7M
  - FY13 = $2.5M
  - FY14, FY15, FY16 = $8M
  - FY17 President’s Budget, House & Senate Cte Bills = $8M

- USBC agenda: requesting continuation in FY17 and beyond with or without PPHF
NURSING BREAKS LAW

www.usbreastfeeding.org/workplace-law
“Break Time for Nursing Mothers” Provision

- Created by ACA in 2010 (Sec. 4207)
- Originally included in ACA with bipartisan support (unanimous HELP Cte vote)
- Not target for repeal in past -> not subject to budget reconciliation -> not in House majority (E&C) draft
- DoL enforcement actions under Trump Admin – TBD?
- **USBC agenda:** pursuing expansion of coverage to exempt (salaried) workers via SWMA with bipartisan co-sponsorship *and* implementing education/promotion campaign
HEALTH PLAN COVERAGE

www.usbreastfeeding.org/preventive-services
Breastfeeding Support in Preventive Services

- ACA Sec. 1302 required health plans to cover “Essential Health Benefits”, including Preventive Services
- ACA also amended Sec. 2713 of Public Health Service Act to require health plans to cover certain preventive services with no cost sharing
- Breastfeeding doubly included via US Preventive Services Task Force (USPSTF) and Women’s Preventive Services (WPS)
- Not target for repeal in past -> Essential Health Benefits left to states in House majority (E&C) draft
Avenues to Protect

- **USBC agenda:** maintain federal mandate for supplies *and* counseling, expand definitions
  - Advocating to protect EHB and preventive services more broadly in ACA repeal/replace/repair

**But IF they go away...**

- Exploring coalition building around proposal to keep maternity care as a federal mandate
  - Request language that includes breastfeeding supports (including prenatal and postpartum), similar to how has been defined under preventive services
BILL TO BE REINTRODUCED
Friendly Airports for Mothers (FAM) Act

- Would require all large and medium hub airports to provide a private, non-bathroom space in each terminal for mothers to express breast milk

- Last session:
  - **Senate**: Passed as part of FAA Reauthorization Act
  - **House**: 63 cosponsors (57D, 6R); Duckworth (D-IL)

- Pending reauthorization = unique opportunity

- In July a short-term compromise FAA extension was passed, only through September 2017

  [www.usbreastfeeding.org/fam-act](http://www.usbreastfeeding.org/fam-act)
Supporting Working Moms Act (SWMA)

- Would extend existing federal “Break Time” law to cover executive, administrative, and professional employees, including elementary and secondary school teachers

- Last session:
  - **Senate**: 8 cosponsors (7D, 1R); Merkley (D-OR)
  - **House**: 21 cosponsors (21D); Maloney (D-NY-12)

- 114th had first Republican co-sponsor, Senator Lisa Murkowski (AK); now seeking House Republican

- Exploring possibilities to incorporate as part of “replace/repair” bills

[www.usbreastfeeding.org/swma](http://www.usbreastfeeding.org/swma)
BILLS PASSED LAST SESSION
Bottles & Breastfeeding Equipment Screening (BABES) Act

- Directs TSA to provide ongoing training so agents consistently enforce procedures at all airport security checkpoints for traveling with breast milk, formula, & infant feeding equipment
- First breastfeeding-specific bill to go to the floor of either house as a standalone measure
- Republican sponsors: Rep. Herrera Beutler (WA-3) & Senator Ayotte (NH)
- Passed via unanimous consent in both Houses
- Implementation actions:
  - USBC/AAP SoB doing second webinar training for TSA in May
  - Suggested questions for Congresswoman’s briefing by TSA on their SOPs on handling and screening breast milk
21st Century Cures Act

- Includes Safe Medications for Moms and Babies Act - HR 5219
- Co-authors Rep. Herrera Beutler (R-WA-3) & Castor (D-FL-14)
- Establishes federal/medical expert task force to advance research on medication use during pregnancy/breastfeeding; report to Congress:
  - plan to identify/address gaps in knowledge and research
  - ethical issues around inclusion of pregnant/lactating women in research
  - current state of federal research
  - recommendations for coordination/collaboration on research
- Implementation actions:
  - Coalition to Advance Maternal Therapeutics sign-on letter to Price
  - Hoping to move quickly to form: 1/2-1/3 non-federal members
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