



# Are you a Montana Breastfeeding Mom? Know your rights.

If you feel you have been unfairly treated while breastfeeding please contact the appropriate agency.

## *General Breastfeeding Protection*

### **Public Breastfeeding Law**

[Mont. Code Ann. § 50-19-501](#) (1999) The Montana legislature states that the breastfeeding of a child in any location, public or private, where the mother otherwise has a right to be is legal and cannot be considered a nuisance, indecent exposure, sexual conduct, or obscenity. (SB 398). **For more information or to file a complaint contact: Montana Human Rights Bureau 1-406-444-2884 or 1-800-542-0807**

**Breastfeeding Law & Jury Duty** [Mont. Code Ann. § 3-15-313](#) (2009) specifies that the court may excuse a person from jury service upon finding that it would entail undue hardship for the person; an excuse may be granted if the prospective juror is a breastfeeding mother. ([2009 Mont. Laws, Chap. 167, HB 372](#)) . **For more information or to file a complaint contact: Montana Human Rights Bureau 1-406-444-2884 or 1-800-542-0807**

## *Workplace Breastfeeding Protection*

### **Public employer policy of support of women & breastfeeding**

[Mont. Code Ann. § 39-2-215 et seq.](#) (2007) specifies that all state and county governments, municipalities, and school districts and the university system employers must not discriminate against breastfeeding mothers and must encourage and accommodate breastfeeding. Requires employers to provide daily-unpaid break time for a mother to express breast milk for her infant child and facilities for storage of the expressed milk. Employers are also required to make a reasonable effort to provide a private location this activity. **For more information or to file a complaint contact: Montana Human Rights Bureau 1-406-444-2884 or 1-800-542-0807**

### **Break Time for Nursing Mother Law, US Department of Labor**

[US Patient Protection & Affordable Care Act](#) (2010) amended the Fair Labor Standards Act to require employers to provide a nursing mother a place and reasonable break time to express breast milk after the birth of her child. **The following is required:** Reasonable time to express breast milk each time it is needed during the day, up to the baby's first birthday, and a place, other than a bathroom, that is private to express breast milk. An employer that employs fewer than 50 employees and proves an undue hardship may be exempt. The employer must apply for exemption through the Department of Labor. Nothing in this law shall preempt a State law that provides greater protections.

If you believe your employer is not complying with this law, you have a right to contact the Federal Department of Labor, Wage and Hour Division (WHD). Upon calling your local WHD office, an intake person will ask for the complaint to be described and will verify your place of employment. The clerk will inquire if the employer is a "qualifying place of employment" and if they fall under the Wage and Hour Department laws. If you do not know the answer, you may still file a complaint. The complaint will then be marked valid & a valid complaint will be investigated. **For more information or to file a complaint contact the [Federal Department of Labor, Wage and Hour Division: 1-866-487-9243](#)**