

SB2452



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Judiciary and Labor

Senator Clayton Hee, Chair
Senator Maile S. L. Shimabukuro, Vice Chair

Thursday, February 20, 2014, 10:30 a.m.
State Capitol, Conference Room 016

Written Testimony Only

By

Susan Pang Gochros
Chief Staff Attorney and Department Head
Intergovernmental and Community Relations

Bill No. and Title: Senate Bill No. 2452, Relating to Jury Duty

Purpose: Exempts breastfeeding mothers from jury duty for no more than one year from the time the mother begins breastfeeding the child and ceases when the mother is no longer breastfeeding the child. It further provides that the mother may be exempt for each child a mother breastfeeds.

Judiciary's Position:

The Judiciary recognizes the good intentions behind this bill but comments on the present system that appears to adequately accommodate breastfeeding mothers by: (1) allowing breastfeeding mothers to be exempted from jury duty if it is determined that jury duty would entail a serious personal hardship, or that for other good cause the prospective juror should be excused either temporarily or otherwise.” *See* Hawaii Revised Statutes (HRS) § 612-7; and (2) ensuring that private, designated spaces (and times) are provided for breastfeeding mothers.



Senate Bill No. 2452, Relating to Jury Duty
Senate Committee on Judiciary and Labor
Thursday, February 20, 2014
Page 2

The Judiciary presently accommodates breastfeeding mothers and a blanket exemption simply opens the door for other exemptions so that the importance of jury duty could eventually be undermined. Under the present system, if a person calls the jury pool and explains that they are breastfeeding or that they are the caregiver of an infant or child, they are excused from jury duty for the year of service. Breastfeeding mothers may easily be deferred through a simple call to the jury pool office. We know of no situation where a breastfeeding mother was denied an exemption after bringing their situation to the jury pool's attention.

The Judiciary also accommodates breastfeeding mothers who wish to express milk during the period of jury service by providing space, time and privacy for doing so. Courts on each of the circuits have available designated rooms where breastfeeding mothers can express milk. We are aware of no situation where a breastfeeding mother has been required to serve on a jury if service on a jury would create a personal hardship, nor do we know of any situation where a breast feeding mother who wished to serve on jury duty was not accommodated if she made such a request.

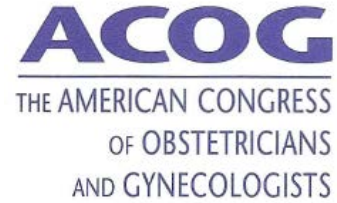
Upon receiving a summons for jury duty, a nursing mother only needs to call the jury pool office and explain her situation. That information is made clear in the questionnaire she receives on a random basis that determines if she is eligible for jury duty. This is no different from people who have other conditions that would create a hardship for them if they were to serve. For instance, if a person explains that they are undergoing chemotherapy or dialysis and serving on a jury would constitute a personal hardship, the jury pool office provides a deferral.

Legislation exempting breastfeeding mothers opens the door to future requests by other groups for automatic exemptions from jury duty, which negatively impacts our need to maintain a large, diverse pool of potential jurors.

Thank you for the opportunity of commenting on Senate Bill 2452.

**American Congress of Obstetricians and Gynecologists
District VIII, Hawaii (Guam & American Samoa) Section**

Lori Kamemoto, MD, MPH, FACOG, Chair
94-235 Hanawai Circle, #1B
Waipahu, Hawaii 96797



**February 20, 2014-Thursday
10:30 AM
Conference Room 016
State Capitol**

**To: Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor**

**From: Lori Kamemoto, MD, MPH, Chair
Greigh Hirata, MD, Vice Chair
American Congress of Obstetricians and Gynecologists, Hawaii Section**

Re: SB2452, Relating to Jury Duty

Position: Strongly Support

Dear Chair Hee, Vice Chair Shimabukuro, and Judiciary and Labor Committee Members:

The American Congress of Obstetricians and Gynecologists (ACOG), Hawaii Section, strongly supports SB2452, exempting breastfeeding women from jury duty. ACOG strongly encourages breastfeeding for all women, and supports this bill.

Research performed in the United States and in other countries demonstrates that breastfeeding provides benefits to infants, women, families and society as a whole. In 1971, U.S. breastfeeding rates were only 24.7%. According to the Centers for Disease Control and Prevention (CDC), U.S. breastfeeding rates continue to rise and breastfeeding initiation was 77% in 2010. In 2010, breastfeeding at 6 months was 49%, and 27% at 12 months. [Breastfeeding Report Card-United States, 2013. CDC.]

Information by state available from the CDC (2010) shows that 87.4% of Hawaii mothers ever breastfed, 64.9% are still breastfeeding at 6 months, and 42.2% at 12 months (Breastfeeding Report Card 2013, United States: Outcome Indicators. CDC.). All women and infants can benefit from breastfeeding for at least 6 months after birth.

With few medical exceptions, nearly all women are able to breastfeed. The American

Congress of Obstetricians and Gynecologists strongly supports breastfeeding and urges health care professionals caring for women and their infants, hospitals, and employers to support women in choosing to breastfeed their infants. All should work to facilitate the continuation of breastfeeding in the workplace and public facilities. (ACOG Committee Opinion #361)

Exemption from jury duty for breastfeeding mothers will allow women to continue to breastfeed their infants without the worry of availability of breastfeeding facilities, breast pumps, and time for feeding or pumping during jury duty or sequestration.

Hawaii ACOG strongly supports SB2452, that will result in avoiding the interruption or stopping of breastfeeding caused by jury duty, and allow the proven benefits of breastfeeding to continue.

Thank you for the opportunity to submit this testimony.

To: Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

And members of Committee on Judiciary and Labor

From : Debrah Trankel RNC, CNIV, BSN, CLC, IBCLC

Staff Nurse @ QMC, UH Grad Student

Member Women's Coalition & Tobacco Coalition

Re: Bills HB 2033/SB 2452

Exempting Breastfeeding Mothers from Jury Duty-

Proposed Legislation for 2014 Hawaii State Legislature

Dear Legislators,

Why this Issue is important:

Only one in five children in Hawaii receives the absolute minimum of six months exclusive breastfeeding, and fewer than one in three are receiving any breast milk at twelve months as recommended by the American Academy of Pediatrics and the World Health Organization to reduce the risks of obesity, diabetes, infectious diseases such as ear nose and throat infections common in children, asthma, allergies and certain childhood cancers. As a global public health recommendation, infants should be exclusively breastfed for the first six months of life to achieve optimal growth, development and health. Thereafter, to meet their evolving nutritional requirements, infants should receive nutritionally adequate and safe complementary foods while breastfeeding continues, for at least two years and beyond. Breastfeeding benefits women too, by lowering the incidences of breast and ovarian cancer, Type 2 Diabetes, and in the early postpartum period decreased anemia and postpartum depression. Society benefits with lower health insurance costs, decreased work absences related to sick children, and enhanced work productivity for employers.

Separating the Mother-Baby dyad presents a serious challenge to breastfeeding women, as the interruption in feeding seriously affects their ability to produce an adequate supply of breast milk, and continuing breastfeeding. Jury duty exemption is a "win-win" situation for all. There are no costs involved in exempting a breastfeeding woman for 12 months, if she chooses, (as she has the right to serve if she desires to) from jury duty, and this support will have a positive impact on the woman's ability to keep up an adequate supply without disruption. Hawaii's women should not have to be concerned about how to find INFANT care, which is literally non-existent for babies under 6 months of age, and whether they will be able to pump enough extra to leave with someone else to feed their baby breast milk in their absence.

Then there is the matter of sitting in the courtroom, in a building with no currently allocated breastfeeding rooms, nor a breastfeeding policy that employees are aware of, and no way to leave and express milk while they are sequestered. Direct breastfeeding is considered superior to pumping and bottle feeding by expert. Many women cannot afford/do not own a pump. Even though it is a natural act, breastfeeding is also a learned behavior. Virtually all mothers can breastfeed provided they have ample support from their families and communities.

Breastfeeding is an unequalled way of providing ideal food for the healthy growth and development of infants; it is also an integral part of the reproductive process with important implications for the health of the mothers. Therefore, a legislative mandate is necessary to meet the health needs of Hawaii's mothers and babies by exempting breastfeeding mothers from jury duty. It is the right thing to do.

Twelve states (California, Idaho, Illinois, Iowa, Kansas, Kentucky, Mississippi, Montana, Nebraska, Oklahoma, Oregon, and Virginia, so far) and Puerto Rico, which is an American Territory, have laws that exempt breastfeeding women from jury duty. Most do not place a limit on the age of the child, but the Puerto Rico law specifies that the child is less than 24 months of age.

Please, I urge you to support and pass this bill this year. Mother-child separation presents a serious challenge to continuing breastfeeding. It costs nothing to exempt a breastfeeding woman from jury duty, and can make a big difference in further preserving the breastfeeding relationship, thereby keeping the woman and her infant healthy. I hope to see Hawaii, "The Healthy State", become the 13th State to support and acknowledge the importance of breastfeeding.

Sincerely, and with thanks from our Moms and Babies!

Debrah Trankel RNC, BSN, CLC, IBCLC

Breastfeeding Resource Links for your convenience:

Example of Laws:

<http://www.lrc.ky.gov/KRS/029A00/100.PDF> "Ky. Rev. Stat. § 29A.100

<http://www.lrc.ky.gov/record/07rs/SB111/bill.doc> SB 111

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+8.01-341.1> Va. Code Ann. § 8.01-341.1

<http://leg1.state.va.us/cgi-bin/legp504.exe?051+ful+CHAP0195> 2005 Chap. 195, HB 2708

<http://www.ncsl.org/issues-research/health/breastfeeding-state-laws.asp>

<http://legislature.idaho.gov/idstat/Title2/T2CH2SECT2-209.htm> 2-209

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+65.2-10> 2 65.2-102

Breastfeeding Resources:

1. Center for Disease Control

[http://www.cdc.gov/breastfeeding/data/"www.cdc.gov/breastfeeding/data/](http://www.cdc.gov/breastfeeding/data/)

2. United States Breastfeeding Committee

www.usbreastfeeding.org

3. Department of Health and Human Services, Maternal & Child Health (MCHB)

www.mchb.hrsa.gov

Contact:

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Subject: Submitted testimony for SB2452 on Feb 20, 2014 10:30AM
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SB2452

Submitted on: 2/17/2014

Testimony for JDL on Feb 20, 2014 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Malisa Gampong	Individual	Support	No

Comments: I am a Registered Nurse writing in support of SB2452. The World Health Organization and the American Association of Pediatrics recommends strictly breastfeeding babies for the first 6 months, and if possible up to the first year of life. Breast milk helps to boost a baby's immune system and prevent diseases like diabetes and obesity. For a mother, it helps with bonding, to prevent postpartum depression, and helps get back to pre pregnancy weight, to name a few benefits. Breastfeeding does not come easily for everyone, and any change in routine can significantly diminish the quantity of milk produced. Delaying breastfeeding or pumping can cause discomfort for the mother, as well as breast leaking. It is unlikely that fellow jurors nor anyone in a courtroom would be able to concentrate with a mother in the room breast-pumping her milk with an electronic pump for 30 minutes every 2 to 3 hours. This Bill makes sense, costs nothing, and is the right thing to do as a community to help properly raise our keiki.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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