



## *The Judiciary, State of Hawai‘i*

### **Testimony to the House Committee on Judiciary**

Representative Karl Rhoads, Chair  
Representative Sharon E. Har, Vice Chair

Thursday, March 27, 2014, 2:00 p.m.  
State Capitol, Conference Room 325

By

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

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**Bill No. and Title:** Senate Bill No. 2452, House Draft 1, Relating to Jury Duty

**Purpose:** Exempts breastfeeding mothers from jury duty for one year from the birth of the child and for each child that the mother breastfeeds. (SB2452 HD1)

### **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.

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.



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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.

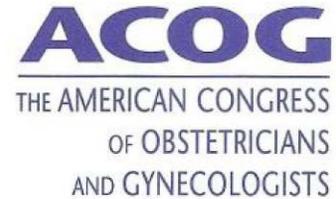
Upon receiving a summons for jury duty, a nursing mother only needs to call the jury pool office and explain her situation. That information is made clear in the questionnaire she receives on a random basis that determines if she is eligible for jury duty. This is no different from people who have other 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, HD1.

**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



DATE: Thursday, March 27, 2014  
TIME: 2:00 p.m.  
PLACE: Conference Room 325

To:  
COMMITTEE ON JUDICIARY  
Rep. Karl Rhoads, Chair  
Rep. Sharon E. Har, Vice Chair

**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**

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: Representative Karl Rhoades, Chair

Representative Sharon Har, Vice Chair

And members of House Judicial Committee

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**

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 as 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.

Thank you for passing the companion bill, HB 2033. I now ask for your continued support, and urge you to pass SB 2452, so this becomes a law. 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 13<sup>th</sup> State to 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](http://www.usbreastfeeding.org)

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

[www.mchb.hrsa.gov](http://www.mchb.hrsa.gov)

Contact:

Debrah Trankel RNC, BSN, CLC, IBCLC

The Queen's Medical Center-Tower 10 Obstetrics [dtrankel@queens.org](mailto:dtrankel@queens.org)

UHSONDH Grad student: [dtrankel@hawaii.edu](mailto:dtrankel@hawaii.edu)

**LATE**

To: Representative Karl Rhodes, Chair  
Representative Sharon E. Har, Vice Chair  
Members of the House Committee on Judiciary

RE: **SB 2452 HD 1 Jury Duty**

Date: Thursday, March 27, 2014  
Time and Room: 2pm Room 325

On behalf of Breastfeeding Hawaii, I would like to express our **strong support for SB 2452 HD 1 Jury Duty**, exempting breastfeeding women from jury duty during the time they are breastfeeding or expressing milk for their baby.

Breastfeeding Hawaii is a non profit 501 c 3 organization representing Hawaii locally and nationally at the National United States Breastfeeding Committee in Washington, D.C. Our mission is to protect, promote and support breastfeeding in the State of Hawaii. We do this through the organization of community efforts, outreach, policy change, education, legislation and advocacy.

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 risk of obesity, diabetes, infectious disease, asthma, allergies and certain childhood cancers. Women who breastfeed their children benefit too, with lower rates of breast and ovarian cancers, metabolic syndrome and type 2 diabetes. Society benefits with lower health insurance costs and higher worker productivity.

Mother-child separation presents a serious challenge to continuing breastfeeding. It cost nothing to exempt a breastfeeding woman

from jury duty, and can make a big difference in further preserving the breastfeeding relationship. A woman should never have to worry about how she is going to feed her baby or pump her milk, while required to sit in a courtroom jury box or be sequestered in jury deliberations.

In the United States, twelve states-California, Idaho, Illinois, Iowa, Kansas, Kentucky, Mississippi, Montana, Nebraska, Oklahoma, Oregon and Virginia, plus the territory of Puerto Rico have laws that exempt breastfeeding women from jury duty.

Breastfeeding Hawaii believes in supporting breastfeeding women to continue to breastfeed and/or provide breast milk for their infants. We realize a mother may chose to perform her civic responsibility but if she cannot due to the need to be with her infant to breastfeed or provide milk for her baby, she needs to be provided the exemption the bill would give to her.

We also respectfully suggest the following amendment to this bill by changing the wording of Section 2, SS 612-6 Exempt When

“9) a mother who is breastfeeding a child or expressing breast milk; and further that a mother may be exempt under this section for each child the mother breastfeeds.”

Accordingly, we encourage this Committee to favorably pass this bill, with the wording changes to Section 2, SS 612-9 noted above.

Thank you for this opportunity to share our viewpoint on this important issue.

Janel Takasaki, RN, BSN, IBCLC

President

Breastfeeding Hawaii -State Breastfeeding Coalition

**LATE**

**SB2452**

Submitted on: 3/26/2014

Testimony for JUD on Mar 27, 2014 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sylvia R. Pager, MD, IBCLC	Breastfeeding Hawaii	Support	Yes

Comments: Breastfeeding for a prolonged period, the requirement for the achievement of recognized benefits to all in our community, is difficult enough in our current environment. Any separation of the mother from her infant during the 1st year of life should be minimized. Pumping is not so easy, and not equivalent to breastfeeding, so while most mothers must do so during work hours (a survival need for the family), any added burden should be minimized. Seventeen other jurisdictions have recognized the value of similar exemption to jury duty for this short period. Individual judicial exemption should not be depended on. Leave these brave mothers in peace, please. We hope there might be more of them with such broader community support. Cost is minimal. Mahalo for the opportunity to testify. Sylvia R. Pager, MD, MS, IBCLC, FABM, FAAP. Amer.Acad.of Pediatrics Hawaii Chapter Breastfeeding Coordinator Board member, Breastfeeding Hawaii

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