

ACT 46

S.B. NO. 2315

A Bill for an Act Relating to Jury Duty.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature recognizes that breastfeeding benefits both mothers and children. The American Academy of Pediatrics supports evidence that breastfeeding protects against a variety of diseases and conditions in infants, including bacteremia, diarrhea, respiratory and urinary tract infections, type 1 and type 2 diabetes, lymphoma, leukemia, and childhood obesity. There are also maternal health benefits to breastfeeding, such as decreased postpartum bleeding and more rapid uterine involution, decreased menstrual blood loss, and decreased risk of breast and ovarian cancers. The societal benefits of breastfeeding include lower health insurance costs and higher worker productivity.

The American Academy of Pediatrics recommends that a child breastfeed exclusively for about six months, with continuation of breastfeeding for one year or longer as mutually desired by mother and infant; the World Health Organization and the Institute of Medicine concur with this recommendation.

According to the federal Centers for Disease Control and Prevention's 2014 Breastfeeding Report Card, seventy-nine per cent of newborn infants in the United States start out breastfeeding. However, breastfeeding rates fell to forty-nine per cent at six months and twenty-seven per cent at twelve months. In Hawaii, only 26.4 per cent of babies are exclusively breastfeeding at six months, as recommended by the American Academy of Pediatrics.

The legislature finds that jury duty may create a hardship for mothers who breastfeed their children because the mother-child separation creates a serious challenge to continued breastfeeding. Furthermore, some women who are called to serve jury duty may not have ready access to the proper pump and supplies that are needed to express breast milk. An exemption from jury duty

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for a breastfeeding mother can have a positive impact on the preservation of the breastfeeding relationship between a mother and her child and would also enable a woman to serve jury duty at a later time. The legislature further finds that a woman should not have to worry about her ability to breastfeed while serving on a jury.

The legislature additionally finds that, according to the National Conference of State Legislatures, seventeen states exempt breastfeeding mothers from jury duty or allow jury service to be postponed.

The purpose of this Act is to meet the health needs of Hawaii's mothers and babies by exempting from jury duty mothers who breastfeed or express breast milk; provided that this exemption shall continue for a period of two years from the birth of the child.

SECTION 2. Section 612-6, Hawaii Revised Statutes, is amended to read as follows:

“§612-6 Exempt when. A person may claim exemption from service as a juror if the person is:

- (1) An elected official while the legislature is in session, or a judge of the United States, State, or county;
- (2) An actively practicing physician or dentist;
- (3) A member of the armed forces or militia when on active service and deployed out-of-state;
- (4) An active member of a police or fire department;
- (5) A person who has served as a juror, either in a court of this State or the United States District Court for the District of Hawaii, within one year preceding the time of filling out the juror qualification form;
- (6) An active member of an emergency medical services agency;
- (7) A person living more than seventy miles from the court for which jury service is required; ~~or~~
- (8) A person eighty years of age or older~~[-];~~ or
- (9) A woman who is breastfeeding a child or expressing breast milk for a period of two years from the birth of the child.

For purposes of this section, “emergency medical services agency” means any government agency, private agency, or company that provides ambulance services, emergency medical services, or disaster medical services.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on March 1, 2017.

(Approved May 3, 2016.)