

**[ REPUBLIC ACT NO. 10028, March 16, 2010 ]**

**AN ACT EXPANDING THE PROMOTION OF BREASTFEEDING,  
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7600,  
OTHERWISE KNOWN AS "AN ACT PROVIDING INCENTIVES TO  
ALL GOVERNMENT AND PRIVATE HEALTH INSTITUTIONS WITH  
ROOMING-IN AND BREASTFEEDING PRACTICES AND FOR OTHER  
PURPOSES"**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Short Title.* — This Act shall be known as the "Expanded Breastfeeding Promotion Act of 2009".

SEC. 2. Section 2 of Republic Act No. 7600 is hereby amended to read as follows:

"SEC. 2. *Declaration of Policy.* — The State adopts rooming-in as a national policy to encourage, protect and support the practice of breastfeeding. It shall create an environment where basic physical, emotional, and psychological needs of mothers and infants are fulfilled through the practice of rooming-in and breastfeeding.

"The State shall likewise protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation. This is consistent with international treaties and conventions to which the Philippines is a signatory such as the Convention on the Elimination of Discrimination Against Women (CEDAW), which emphasizes provision of necessary supporting social services to enable parents to combine family obligations with work responsibilities; the Beijing Platform for Action and Strategic Objective, which promotes harmonization of work and family responsibilities for women and men; and the Convention on the Rights of the Child, which recognizes a child's inherent right to life and the State's obligations to ensure the child's survival and development.

"Breastfeeding has distinct advantages which benefit the infant and the mother, including the hospital and the country that adopt its practice. It is the first preventive health measure that can be given to the child at birth. It also enhances mother-infant relationship. Furthermore, the practice of breastfeeding could save the country valuable foreign exchange that may otherwise be used for milk importation.

"Breastmilk is the best food since it contains essential nutrients completely suitable for the infant's needs. It is also nature's first immunization, enabling the infant to fight potential serious infection. It contains growth factors that enhance the maturation of an infant's organ systems.

"Towards this end, the State shall promote and encourage breastfeeding and provide the specific measures that would present opportunities for mothers to continue expressing their milk and/or breastfeeding their infant or young child."

SEC. 3. Section 3 of Republic Act No. 7600 is hereby amended to read as follows:

"SEC. 3. *Definition of Terms.* — For purposes of this Act, the following definitions are adopted:

"a) Age of gestation — the length of time the fetus is inside the mother's womb.

"b) Bottlefeeding — the method of feeding an infant using a bottle with artificial nipples, the contents of which can be any type of fluid.

"c) Breastfeeding — the method of feeding an infant directly from the human breast.

"d) Breastmilk — the human milk from a mother.

"e) Breastmilk substitute — any food being marketed or otherwise represented as partial or total replacement of breastmilk whether or not suitable for that purpose.

"f) Donor milk — the human milk from a non-biological mother.

"g) Expressed breastmilk — the human milk which has been extracted from the breast by hand or by breast pump. It can be fed to an infant using a dropper, a nasogastric tube, a cup and spoon, or a bottle.

"h) Expressing milk — the act of extracting human milk from the breast by hand or by pump into a container.

"i) Formula feeding — the feeding of a newborn with infant formula usually by bottlefeeding. It is also called artificial feeding.

"j) Health institutions — are hospitals, health infirmaries, health centers, lying-in centers, or puericulture centers with obstetrical and pediatric services.

"k) Health personnel — are professionals and workers who manage and/or administer the entire operations of health institutions and/or who

are involved in providing maternal and child health services.

"l) Health workers — all persons who are engaged in health and health-related work, and all persons employed in all hospitals, sanitariums, health infirmaries, health centers, rural health units, barangay health stations, clinics and other health-related establishments, whether government or private, and shall include medical, allied health professional, administrative and support personnel employed regardless of their employment status.

"m) Infant — a child within zero (0) to twelve (12) months of age.

"n) Infant formula — the breastmilk substitute formulated industrially in accordance with applicable Codex Alimentarius standards, to satisfy the normal nutritional requirements of infants up to six (6) months of age, and adopted to their physiological characteristics.

"o) Lactation management — the general care of a mother-infant nursing couple during the mother's prenatal, immediate postpartum and postnatal periods. It deals with educating and providing knowledge and information to pregnant and lactating mothers on the advantages of breastfeeding, the risks associated with breastmilk substitutes and milk products not suitable as breastmilk substitutes such as, but not limited to, condensed milk and evaporated milk, the monitoring of breastfeeding mothers by health workers and breastfeeding peer counselors for service patients to ensure compliance with the Department of Health, World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) on the implementation of breastfeeding policies, the physiology of lactation, the establishment and maintenance of lactation, the proper care of the breasts and nipples, and such other matters that would contribute to successful breastfeeding.

"p) Lactation stations — private, clean, sanitary, and well-ventilated rooms or areas in the workplace or public places where nursing mothers can wash up, breastfeed or express their milk comfortably and store this afterward.

"q) Low birth weight infant — a newborn weighing less than two thousand five hundred (2,500) grams at birth.

"r) Nursing employee — any female worker, regardless of employment status, who is breastfeeding her infant and/or young child.

"s) Mother's milk — the breastmilk from the newborn's own mother.

"t) Non-health facilities, establishment or institution — public places and working places, as denoted in subparagraphs (u) and (y), respectively.

"u) Public place — enclosed or confined areas such as schools, public transportation terminals, shopping malls, and the like.

"v) Rooming-in — the practice of placing the newborn in the same room

as the mother right after delivery up to discharge to facilitate mother-infant bonding and to initiate breastfeeding. The infant may either share the mother's bed or be placed in a crib beside the mother.

"w) Seriously ill mothers — are those who are: with severe infections; in shock, in severe cardiac or respiratory distress; or dying; or those with other conditions that may be determined by the attending physician as serious.

"x) Wet-nursing — the feeding of a newborn from another mother's breast when his/her own mother cannot breastfeed.

"y) Workplace — work premises, whether private enterprises or government agencies, including their subdivisions, instrumentalities and government-owned and -controlled corporations.

"z) Young child — a child from the age of twelve (12) months and one (1) day up to thirty- six (36) months."

SEC. 4. Section 4 of Republic Act No. 7600 is hereby amended to read as follows:

"SEC. 4. *Applicability.* — The provisions in this Chapter shall apply to all private enterprises as well as government agencies, including their subdivisions and instrumentalities, and government-owned and -controlled corporations.

"Upon application to, and determination by, the Secretary of the Department of Labor and Employment for the private sector, and the Chairperson of the Civil Service Commission for the public sector, all health and non-health facilities, establishments and institutions may be exempted for a renewable period of two (2) years from Section 6 of this Act where the establishment of lactation stations is not feasible or necessary due to the peculiar circumstances of the workplace or public place taking into consideration, among others, number of women employees, physical size of the establishment, and the average number of women who visit.

"All health and non-health facilities, establishments or institutions which are exempted in complying with the provisions of this Act but nevertheless opted to comply are entitled to the benefits herein stated: *Provided, That* they give their employees the privilege of using the same."

SEC. 5. Section 10 of Republic Act No. 7600 is hereby amended to read as follows:

"SEC. 10. *Provision of Facilities for Breastmilk Collection and Storage for Health Institutions.* — The health institution adopting rooming-in and breastfeeding shall provide equipment, facilities, and supplies for breastmilk collection, storage and utilization, the standards of which shall

be defined by the Department of Health. Health institutions are likewise encouraged to set up milk banks for storage of breastmilk donated by mothers and which have undergone pasteurization. The stored breastmilk will primarily be given to children in the neonatal intensive care unit whose own mothers are seriously ill."

SEC. 6. A new Section 11, under a new Chapter, is added to read as follows:

### **"CHAPTER III**

### **"LACTATION STATIONS**

"SEC. 11. *Establishment of Lactation Stations.* — It is hereby mandated that all health and non-health facilities, establishments or institutions shall establish lactation stations. The lactation stations shall be adequately provided with the necessary equipment and facilities, such as: lavatory for hand-washing, unless there is an easily-accessible lavatory nearby; refrigeration or appropriate cooling facilities for storing expressed breastmilk; electrical outlets for breast pumps; a small table; comfortable seats; and other items, the standards of which shall be defined by the Department of Health. The lactation station shall not be located in the toilet.

"In addition, all health and non-health facilities, establishments or institutions shall take strict measures to prevent any direct or indirect form of promotion, marketing, and/or sales of infant formula and/or breastmilk substitutes within the lactation stations, or in any event or circumstances which may be conducive to the same.

"Apart from the said minimum requirements, all health and non-health facilities, establishments or institutions may provide other suitable facilities or services within the lactation station, all of which, upon due substantiation, shall be considered eligible for purposes of Section 14 of this Act."

SEC. 7. A new Section 12 is hereby added to read as follows:

"SEC. 12. *Lactation Periods.* — Nursing employees shall be granted break intervals in addition to the regular time-off for meals to breastfeed or express milk. These intervals, which shall include the time it takes an employee to get to and from the workplace lactation station, shall be counted as compensable hours worked. The Department of Labor and Employment (DOLE) may adjust the same: *Provided*, That such intervals shall not be less than a total of forty (40) minutes for every eight (8)-hour working period."

SEC. 8. Section 11, which shall be under the renumbered Chapter IV of Republic Act