



# News Release

FOR IMMEDIATE RELEASE

CONTACT: Mike Westling (Merkley) – 202-224-7871  
Justine Sessions (Harkin) – 202-224-7977

February 10, 2011

Josh Drobnyk (Levin) – 202-225-4961  
Jon Houston (Maloney) – 202-225-7944

## **IRS Decision a Victory for Nursing Mothers Everywhere**

### **Breastfeeding Equipment to be Allowed as Medical Tax Deduction and Reimbursed by Flexible Health Spending Accounts**

**Washington, D.C.** – In response to a request from Senators Jeff Merkley (D-OR), Tom Harkin (D-IA), and Representatives Sander Levin (D-MI) and Carolyn B. Maloney (D-NY), the Internal Revenue Service (IRS) announced they will reverse a ruling that denies equipment used to help women breast feed from being covered as a health care expense. The previous ruling excluded breast pumps from coverage under flexible health spending accounts and made them non-deductible on tax returns.

Merkley, Harkin, Levin, and Maloney wrote to IRS Commissioner Douglas Shulman in November to call for the decision to be reversed. Senators Merkley and Harkin were joined by 9 other Senators; 32 other House members joined Reps. Levin and Maloney.

In response to today's decision, Senators Merkley and Harkin and Reps. Levin and Maloney released the following statement:

“Today's decision is a huge victory for nursing mothers everywhere. Modern medicine has documented numerous health benefits linked to breastfeeding, including a reduced risk of illness in infants and a reduced risk of cancer in mothers. And because breastfeeding is so effective in preventing disease, it also

happens to save billions in health care costs. We thank the IRS for their careful consideration and quick response.”

### **Additional Background**

A tax ruling by the IRS last year disallowed breast pumps and other breastfeeding supplies as medical deductions, thus also excluding them as permissible expenses under flexible health spending accounts. Rep. Maloney and Sen. Merkley secured a provision in health care reforms passed earlier this year that employers of hourly workers are be required to provide breastfeeding employees with “reasonable break time” and a private, non-bathroom place to express breast milk during the workday, up until the child’s first birthday.

Breastfeeding is recommended by the American Academy of Pediatrics and the World Health Organization for all children under six months.

Twenty-four states, the District of Columbia and Puerto Rico have laws related to breastfeeding in the workplace; fully 43 states and the District of Columbia and the Virgin Islands have laws which allow women to breastfeed in any public or private location.

View the list and more at the National Conference of State Legislatures:

<http://www.ncsl.org/IssuesResearch/Health/BreastfeedingLaws/tabid/14389/Default.aspx>