THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 34

Session of 2007

INTRODUCED BY C. WILLIAMS, COSTA, MUSTO, BOSCOLA, FONTANA, FOLMER, WOZNIAK, WASHINGTON AND MELLOW, FEBRUARY 7, 2007

AS AMENDED ON THIRD CONSIDERATION, MAY 21, 2007

AN ACT

1 2 3 4 5 6	to nurse her child in public; prohibiting a unit of local government from adopting an ordinance prohibiting breastfeeding in public; and providing that breastfeeding may not be considered a nuisance, indecent exposure, sexual conduct or obscenity.	<
7	WHEREAS, There are benefits to the child, the mother and	<
8	society by encouraging and enabling mothers to breastfeed their	
9	children; and	
10	WHEREAS, An infant who is breastfed receives protection	
11	against infection, illness and allergies, and long term positive	
12	effects on the development, intelligence and health of breastfed	
13	children have been found; and	
14	WHEREAS, A protective effect against various types of cancer	
15	and greater emotional and physical health are found for mothers	
16	who breastfeed; and	
17	WHEREAS, Breastfeeding promotes sufficient birth spacing,	
18	improved vaccine effectiveness and decreased food and medical	
19	expenses, which all have positive societal effects; and	

- 1 WHEREAS, The Pennsylvania Supplemental Food Program for
- 2 Women, Infants, and Children (WIC) promotes breastfeeding
- 3 education and support; and
- 4 WHEREAS, Legislation to clarify the right to breastfeed is
- 5 necessary to promote breastfeeding and remove any stumbling
- 6 block from influencing a mother's decision to breastfeed or
- 7 continue breastfeeding.
- 8 The General Assembly of the Commonwealth of Pennsylvania
- 9 hereby enacts as follows:
- 10 Section 1. This act shall be known and may be cited as the

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- 11 Right FREEDOM to Breastfeed Act.
- 12 Section 2. Declaration of policy.
- 13 The General Assembly finds that breastfeeding a baby is an
- 14 important and basic act of nurturing that must be protected in
- 15 the interests of maternal and child health and family values.
- 16 Section 3. General rule.
- 17 A mother has a right to SHALL BE PERMITTED TO breastfeed her
- 18 child in any location, public or private, where the mother and
- 19 child are otherwise authorized to be present, irrespective of
- 20 whether or not the mother's breast is covered during or
- 21 incidental to the breastfeeding.
- 22 Section 4. Local ordinance prohibition.
- 23 A unit of local government may not prohibit breastfeeding in
- 24 public by local ordinance.
- 25 Section 5. Right 4. FREEDOM to breastfeed.
- 26 The act of breastfeeding may SHALL not be considered:
- 27 (1) Indecent exposure as defined in 18 Pa.C.S. § 3127
- 28 (relating to indecent exposure).
- 29 (2) Open lewdness as defined in 18 Pa.C.S. § 5901
- 30 (relating to open lewdness).

- 1 (3) Obscenity or sexual conduct as defined in 18 Pa.C.S.
- 2 § 5903 (relating to obscene and other sexual materials and
- 3 performances).
- 4 (4) A nuisance as defined in 18 Pa.C.S. § 6504 (relating
- 5 to public nuisances).
- 6 Section 10. Effective date.
- 7 This act shall take effect immediately.