

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 827 Session of
2007

INTRODUCED BY JOSEPHS, BENNINGTON, CALTAGIRONE, DENLINGER,
FABRIZIO, FRANKEL, FREEMAN, GEORGE, HERSHEY, JAMES, LEACH,
MUNDY, MYERS, M. O'BRIEN, PALLONE, PARKER, PAYNE, SIPTROTH,
SOLOBAY AND YOUNGBLOOD, MARCH 19, 2007

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, MARCH 19, 2007

AN ACT

1 Protecting the right of a mother to nurse her child in public;
2 prohibiting a unit of local government from adopting an
3 ordinance prohibiting breastfeeding in public; and providing
4 that breastfeeding may not be considered a nuisance, indecent
5 exposure, sexual conduct or obscenity.

6 WHEREAS, There are benefits to the child, the mother and
7 society by encouraging and enabling mothers to breastfeed their
8 children; and

9 WHEREAS, An infant who is breastfed receives protection
10 against infection, illness and allergies, and long-term positive
11 effects on the development, intelligence and health of breastfed
12 children have been found; and

13 WHEREAS, A protective effect against various types of cancer
14 and greater emotional and physical health are found for mothers
15 who breastfeed; and

16 WHEREAS, Breastfeeding promotes sufficient birth spacing,
17 improved vaccine effectiveness and decreased food and medical
18 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 by mothers and remove any
6 stumbling block from influencing a mother's decision to
7 breastfeed or continue breastfeeding out of fear of reprisal.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Declaration of policy.

11 The General Assembly finds that breastfeeding a baby is an
12 important and basic act of nurturing that must be protected in
13 the interests of maternal and child health and family values.

14 Section 2. General rule.

15 A mother has a right to breastfeed her child in any location,
16 public or private, where the mother and child are otherwise
17 authorized to be present, irrespective of whether or not the
18 mother's breast is covered during or incidental to the
19 breastfeeding.

20 Section 3. Local ordinance prohibition.

21 A unit of local government may not prohibit breastfeeding in
22 public by local ordinance.

23 Section 4. Right to breastfeed.

24 The act of breastfeeding may not be considered:

25 (1) A nuisance as defined in 18 Pa.C.S. § 6504 (relating
26 to public nuisances).

27 (2) Indecent exposure as defined in 18 Pa.C.S. § 3127
28 (relating to indecent exposure).

29 (3) Obscenity or sexual conduct as defined in 18 Pa.C.S.
30 § 5903 (relating to obscene and other sexual materials and

- 1 performances).
- 2 Section 5. Effective date.
- 3 This act shall take effect immediately.