
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 611 Session of
1999

INTRODUCED BY SCHWARTZ, HART, COSTA, BODACK, MELLOW, DENT,
SLOCUM, BOSCOLA AND KITCHEN, MARCH 17, 1999

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 17, 1999

AN ACT

1 Providing rights with respect to breastfeeding in public and
2 private places where a woman is otherwise authorized to be.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Breastfeeding
7 Rights Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) Breastfeeding offers better nutrition, digestion and
11 immune system functioning than formula-feeding and enhances
12 bonding between mother and infant. Compared with formula-
13 feeding, breastfeeding results in lower rates of death and
14 lower incidence of meningitis, childhood lymphoma and other
15 cancers, diabetes, respiratory illnesses and other illnesses.

16 (2) Breastfeeding provides significant long-term health
17 benefits to the mother, including a reduced risk of breast

1 and ovarian cancers.

2 (3) The Surgeon General of the United States, the United
3 States Department of Health and Human Services, the World
4 Health Organization and UNICEF encourage women to breastfeed.
5 Among the goals of the United States Public Health Service
6 for the year 2000 is to increase breastfeeding at birth to
7 75% and breastfeeding for six months to 50%.

8 (4) In addition to health benefits, breastfeeding
9 provides an economic benefit to families and to society.

10 (5) Despite the benefits of breastfeeding and the
11 recommendations of public health organizations, nearly half
12 of the mothers giving birth in the United States do not
13 breastfeed their babies. While over 50% of new mothers
14 breastfeed at birth, that rate falls to 20% at six months and
15 6% at one year.

16 (6) The social constraints of modern society discourage
17 women from breastfeeding. Many new mothers choose not to
18 breastfeed to avoid embarrassment, social ostracism or the
19 threat of criminal prosecution.

20 (7) Breastfeeding is an important and basic act of
21 nurture that should be encouraged, supported and protected in
22 the interests of maternal and child health and family values.

23 Section 3. Right to breastfeed.

24 A woman has an absolute right to breastfeed in any location,
25 public or private, where she is otherwise authorized to be.

26 Section 4. Interference prohibited.

27 No person shall interfere with a woman breastfeeding in any
28 location, public or private, where she is otherwise authorized
29 to be.

30 Section 5. Violation of act.

1 Any violation of this statute shall be unlawful
2 discrimination on the basis of sex.

3 Section 6. Administration.

4 The Pennsylvania Human Relations Commission is vested with
5 authority to administer this act and, in doing so, is authorized
6 to exercise any of the powers and duties with which it is
7 otherwise vested by law.

8 Section 7. Procedure.

9 The procedure for processing a complaint and the remedies
10 available shall be in accordance with the procedures and
11 remedies set forth in the act of October 27, 1955 (P.L.744,
12 No.222), known as the Pennsylvania Human Relations Act,
13 including specifically the procedures and remedies set forth in
14 sections 9, 9.2, 10, 11 and 12 of that act.

15 Section 8. Judicial action to prevent immediate and irreparable
16 harm.

17 Notwithstanding any limitations otherwise imposed by law, any
18 person aggrieved by or threatened with a violation of this act
19 who needs prompt judicial action in order to prevent immediate
20 and irreparable harm may commence an action for injunctive
21 relief in an appropriate court of original jurisdiction. The
22 court may grant an appropriate preliminary or special injunction
23 in accordance with Pa.R.C.P. No. 1531 pending final disposition
24 of a complaint filed under this act. Any person commencing an
25 action for injunctive relief must file a complaint with the
26 Pennsylvania Human Relations Commission within 30 days following
27 commencement of the action.

28 Section 9. Effective date.

29 This act shall take effect immediately.