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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 1072** Session of  
2007

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INTRODUCED BY SOLOBAY, BARRAR, BENNINGHOFF, BENNINGTON,  
CALTAGIRONE, CARROLL, CURRY, FABRIZIO, FREEMAN, GEORGE,  
GIBBONS, HENNESSEY, HERSHEY, JAMES, KOTIK, LEACH, MAHONEY,  
MANDERINO, MANN, MUNDY, MURT, MYERS, M. O'BRIEN, PAYNE,  
PETRARCA, QUINN, RUBLEY, SANTONI, SCHRODER, K. SMITH, SURRA,  
J. WHITE, YOUNGBLOOD, CONKLIN AND KORTZ, APRIL 18, 2007

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, APRIL 18, 2007

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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

1 expenses, which all have positive societal effects; and

2 WHEREAS, The Pennsylvania Supplemental Food Program for  
3 Women, Infants, and Children (WIC) promotes breastfeeding  
4 education and support; and

5 WHEREAS, Legislation to clarify the right to breastfeed is  
6 necessary to promote breastfeeding and remove any stumbling  
7 block from influencing a mother's decision to breastfeed or  
8 continue breastfeeding.

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

11 Section 1. This act shall be known and may be cited as the  
12 Right to Breastfeed Act.

13 Section 2. Declaration of policy.

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

17 Section 3. Right to breastfeed.

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

23 Section 4. Prohibition on local ordinances.

24 A unit of local government may not prohibit breastfeeding in  
25 public by local ordinance.

26 Section 5. Breastfeeding not a criminal offense.

27 The act of breastfeeding between a mother and her child may  
28 not be considered:

29 (1) Indecent exposure as defined in 18 Pa.C.S. § 3127  
30 (relating to indecent exposure).

1           (2) Obscenity or sexual conduct as defined in 18 Pa.C.S.  
2       § 5903 (relating to obscene and other sexual materials and  
3       performances).

4           (3) 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.