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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 34

Session of  
2007

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

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AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 28, 2007

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AN ACT

1 Permitting a mother the freedom to nurse her child in public;  
2 ~~and~~ providing that breastfeeding may not be considered a <—  
3 nuisance, indecent exposure, sexual conduct or obscenity; AND <—  
4 PROVIDING FOR A PRIVATE RIGHT OF ACTION.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. This act shall be known and may be cited as the  
8 Freedom to Breastfeed Act.

9 Section 2. Declaration of policy.

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

13 Section 3. General rule.

14 A mother shall be permitted to breastfeed her child in any  
15 location, public or private, where the mother and child are  
16 otherwise authorized to be present, irrespective of whether or  
17 not the mother's breast is covered during or incidental to the

1 breastfeeding.

2 Section 4. Freedom to breastfeed.

3 The act of breastfeeding shall not be considered:

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

6 (2) Open lewdness as defined in 18 Pa.C.S. § 5901  
7 (relating to open lewdness).

8 (3) Obscenity or sexual conduct as defined in 18 Pa.C.S.  
9 § 5903 (relating to obscene and other sexual materials and  
10 performances).

11 (4) A nuisance as defined in 18 Pa.C.S. § 6504 (relating  
12 to public nuisances).

13 SECTION 5. PRIVATE RIGHT OF ACTION.

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14 A WOMAN WHOSE FREEDOM TO BREASTFEED, AS PROVIDED IN THIS ACT,  
15 HAS BEEN DENIED, INTERFERED WITH, OR OTHERWISE RESTRICTED MAY  
16 BRING AN ACTION IN AN APPROPRIATE COURT OF ORIGINAL JURISDICTION  
17 TO ENJOIN FUTURE DENIALS, INTERFERENCE AND RESTRICTION AND TO  
18 RECOVER STATUTORY DAMAGES OF \$100 PER VIOLATION. IF A WOMAN  
19 PREVAILS IN HER SUIT, SHE SHALL BE AWARDED REASONABLE ATTORNEY  
20 FEES AND REASONABLE EXPENSES OF LITIGATION.

21 Section 10. Effective date.

22 This act shall take effect immediately.