

No. 2007-28

AN ACT

SB 34

Permitting a mother the freedom to nurse her child in public; and providing that breastfeeding may not be considered a nuisance, indecent exposure, sexual conduct or obscenity.

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

Section 1. Short title.

This act shall be known and may be cited as the Freedom to Breastfeed Act.

Section 2. Declaration of policy.

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

Section 3. General rule.

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

Section 4. Freedom to breastfeed.

The act of breastfeeding shall not be considered:

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

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

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

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

Section 10. Effective date.

This act shall take effect immediately.

APPROVED—The 8th day of July, A.D. 2007.

EDWARD G. RENDELL