



Statutes Related to Breastfeeding and the Workplace to date (August, 2009)

This legislative summary sheet was developed to give an overview of the policy and legislation related to breastfeeding. Statutes and bills can be reviewed individually, but often it is useful to view them in "themes" or "clusters" to:

- Highlight related statutes in one particular state
- Make it easier to compare legislation between states
- Illustrate varying legislation language and content

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Allows breastfeeding in any public or private location

Alabama

- Code of Ala. § 22-1-13

A mother may breastfeed her child in any location, public or private, where the mother is otherwise authorized to be present.

Alaska

- Alaska Stat. § 29.25.080

A municipality may not enact an ordinance that prohibits or restricts a woman breastfeeding a child in a public or private location where the woman and child are otherwise authorized to be.

Arizona

- A.R.S. § 41-1443

A mother is entitled to breastfeed in any area of a public place or a place of public accommodation where the mother is otherwise lawfully present.

Arkansas

- A.C.A. § 20-27-2001

A woman may breastfeed a child in a public place or any place where other individuals are present.

California

- Cal Civ Code § 43.3

Notwithstanding any other provision of law, a mother may breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and the child are otherwise authorized to be present.



Colorado

- C.R.S. 25-6-302
A mother may breastfeed in any place she has a right to be.

Connecticut

- Conn. Gen. Stat. § 46a-64
It shall be a discriminatory practice in violation of this section for a place of public accommodation, resort or amusement to restrict or limit the right of a mother to breastfeed her child.

Delaware

- 31 Del. C. § 310
Notwithstanding any provisions of law to the contrary, a mother shall be entitled to breastfeed her child in any location of a place of public accommodation wherein the mother is otherwise permitted.

Florida

- Fla. Stat. § 383.015
A mother may breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breastfeeding.

Georgia

- O.C.G.A. § 31-1-9
The breastfeeding of a baby is an important and basic act of nurture which should be encouraged in the interests of maternal and child health. A mother may breastfeed her baby in any location where the mother and baby are otherwise authorized to be.

Hawaii

- HRS § 489-21
It is a discriminatory practice to deny, or attempt to deny, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodations to a woman because she is breastfeeding a child.

Illinois

- 740 ILCS 137/10
A mother may breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breastfeeding; however, a mother considering whether to breastfeed her baby in a place of worship shall comport her behavior with the norms appropriate in that place of worship.

Indiana

- Burns Ind. Code Ann. § 16-35-6-1
Notwithstanding any other law, a woman may breastfeed her child anywhere the woman has a right to be.



Iowa

■ Iowa Code § 135.30A

Notwithstanding any other provision of law to the contrary, a woman may breastfeed the woman's own child in any public place where the woman's presence is otherwise authorized.

Kansas

■ K.S.A. § 65-1,248

A mother may breastfeed in any place she has a right to be.

Kentucky

■ KRS § 211.755

Notwithstanding any other provision of the law, a mother may breastfeed her baby or express breast milk in any location, public or private, where the mother is otherwise authorized to be. A municipality may not enact an ordinance that prohibits or restricts a mother breastfeeding a child or expressing breast milk in a public or private location where the mother and child are otherwise authorized to be. No person shall interfere with a mother breastfeeding her child in any location, public or private, where the mother is otherwise authorized to be.

Louisiana

■ La. R.S. 51:2247.1

Notwithstanding any other provision of law to the contrary, a mother may breastfeed her baby in any place of public accommodation, resort, or amusement. Any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a mother breastfeeding her baby shall be a "discriminatory practice in connection with public accommodations" for the purposes of this Chapter.

Maine

■ 5 M.R.S. § 4634

Notwithstanding any other provision of law, a mother may breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be.

Maryland

■ Md. HEALTH-GENERAL Code Ann. § 20-801

In general, a mother may breastfeed her child in any public or private location in which the mother and child are authorized to be. A person may not restrict or limit the right of a mother to breastfeed her child.

Massachusetts

■ ALM GL ch. 111, § 221

A mother may breastfeed her child in any public place or establishment or place which is open to and accepts or solicits the patronage of the general public and where the mother and her child may otherwise lawfully be present. No person or entity, including a governmental entity, shall, with the intent to violate a mother's right under subsection (a), restrict, harass or penalize a mother who is breastfeeding her child.



Minnesota

■ Minn. Stat. § 145.905

A mother may breastfeed in any location, public or private, where the mother and child are otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breastfeeding.

Mississippi

■ Miss. Code Ann. § 17-25-7

No county, municipality or other political subdivision shall enact any ordinance restricting a woman's right to breastfeed her child until such time as the state may authorize a county, municipality or other political subdivision to enact such an ordinance.

■ Miss. Code Ann. § 17-25-9

A mother may breastfeed her child in any location, public or private, where the mother is otherwise authorized to be, without respect to whether the mother's breast or any part of it is covered during or incidental to the breastfeeding.

Missouri

■ § 191.918 R.S.Mo

Notwithstanding any other provision of law to the contrary, a mother may, with as much discretion as possible, breastfeed her child in any public or private location where the mother is otherwise authorized to be.

Montana

■ Mont. Code Anno., § 50-19-501

The Montana legislature 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. A mother has a right to breastfeed the mother's 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.

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

Nevada

■ Nev. Rev. Stat. Ann. § 201.232

Notwithstanding any other provision of law, a mother may breastfeed her child in any public or private location where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breastfeeding.

New Hampshire

■ RSA 132:10-d

Breastfeeding a child does not constitute an act of indecent exposure and to restrict or limit the right of a mother to breastfeed her child is discriminatory.



New Jersey

- N.J. Stat. § 26:4B-4

Notwithstanding any provision of law to the contrary, a mother shall be entitled to breastfeed her baby in any location of a place of public accommodation, resort or amusement wherein the mother is otherwise permitted.

New Mexico

- N.M. Stat. Ann. § 28-20-1

A mother may breastfeed her child in any location, public or private, where the mother is otherwise authorized to be present.

New York

- NY CLS Civ R § 79-e

Notwithstanding any other provision of law, a mother may breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether or not the nipple of the mother's breast is covered during or incidental to the breastfeeding.

North Carolina

- N.C. Gen. Stat. § 14-190.9

Notwithstanding any other provision of law, a woman may breastfeed in any public or private location where she is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breastfeeding.

North Dakota

- 2009 N.D. SB 2344

If the woman acts in a discreet and modest manner, a woman may breastfeed her child in any location, public or private, where the woman and child are otherwise authorized to be.

Ohio

- ORC Ann. 3781.55

A mother is entitled to breastfeed her baby in any location of a place of public accommodation wherein the mother otherwise is permitted.

Oklahoma

- 63 Okl. St. § 1-234.1

The Legislature hereby declares that breastfeeding a baby constitutes a basic act of nurturing to which every baby has a right and which should be encouraged in the interests of maternal and child health. In furtherance of this right, a mother may breastfeed her baby in any location where the mother is otherwise authorized to be. Breastfeeding shall not constitute a violation of any provision of Title 21 of the Oklahoma Statutes.

Oregon

- ORS § 109.001

A woman may breastfeed her child in a public place.



Pennsylvania

- 35 P.S. § 636.3

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.

Rhode Island

- 2008 R.I. Pub. Ch. 223; 2007 R.I. HB 7467
- 2008 R.I. Pub. Ch. 308; 2007 R.I. SB 2283

A woman may feed her child by bottle or breast in any place open to the public. In any civil action alleging a violation of this chapter, the court may afford injunctive relief against any person, entity or public accommodation that commits a violation of this chapter.

South Carolina

- S.C. Code Ann. § 63-5-40

A woman may breastfeed her child in any location where the mother and her child are authorized to be.

Tennessee

- Tenn. Code Ann. § 68-58-103

A unit of local government shall not prohibit breastfeeding in public by local ordinance.

Texas

- Tex. Health & Safety Code § 165.002

A mother is entitled to breastfeed her baby in any location in which the mother is authorized to be.

Utah

- Utah Code Ann. § 17-15-25

The county legislative body may not prohibit a woman's breastfeeding in any location where she otherwise may rightfully be, irrespective of whether the breast is uncovered during or incidental to the breastfeeding.

Vermont

- 9 V.S.A. § 4502

Notwithstanding any other provision of law, a mother may breastfeed her child in any place of public accommodation in which the mother and child would otherwise have a legal right to be.

Virginia

- Va. Code Ann. § 2.2-1147.1

Notwithstanding any other provision of law, a woman may breastfeed her child at any location where that woman would otherwise be allowed on property that is owned, leased or controlled by the Commonwealth as defined in § 2.2-1147.



Washington

- 2009 Wa. Ch. 164; 2009 Wa. HB 1596
Sec. 1 RCW 49.60.030 and 2007 c 187 s 3 are each amended to include “the right of a mother to breastfeed her child in any place of public resort, accommodation, assemblage, or amusement.”

Wyoming

- Wyo. Stat. § 6-4-201
The act of breastfeeding an infant child, including breastfeeding in any place where the woman may legally be, does not constitute public indecency.



Accommodates breastfeeding in the workplace

Arkansas

- 2009 Ark. Acts 621; 2009 Ark. HB 1552
An employer shall provide reasonable unpaid break time each day to an employee who needs to express breast milk for her child in order to maintain milk supply and comfort. An employer shall make a reasonable effort to provide a private, secure, and sanitary room or other location in close proximity to the work area, other than a toilet stall, where an employee can express her breast milk.

California

- Cal Lab Code § 1030
Every employer, including the state and any political subdivision, shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. Break time for an employee that does not run concurrently with the rest time authorized for the employee by the applicable wage order of the Industrial Welfare Commission shall be unpaid.

Colorado

- C.R.S. 8-13.5-104
An employer shall provide reasonable unpaid break time each day to allow the employee to express breast milk for her nursing child for up to two years after the child's birth. The employer shall make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where an employee can express breast milk in privacy. Before an employee may seek litigation for a violation of this section, there shall be nonbinding mediation between the employer and the employee.

Connecticut

- Conn. Gen. Stat. § 31-40w
Any employee may, at her discretion, express breast milk or breastfeed on site at her workplace during her meal or break period. An employer shall make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where the employee can express her milk in private. An employer shall not discriminate against, discipline or take any adverse employment action against any employee because such employee has elected to exercise her rights under subsection (a) of this section.



Georgia

▪ O.C.G.A. § 34-1-6

An employer may provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant child. The employer may make reasonable efforts to provide a room or other location (in close proximity to the work area), other than a toilet stall, where the employee can express her milk in privacy. The break time shall, if possible, run concurrently with any break time already provided to the employee. An employer is not required to provide break time under this Code section if to do so would unduly disrupt the operations of the employer.

Hawaii

▪ HRS § 378-2

It shall be an unlawful discriminatory practice for any employer or labor organization to refuse to hire or employ, or to bar or discharge from employment, or withhold pay, demote, or penalize a lactating employee because an employee breastfeeds or expresses milk at the workplace. For purposes of this paragraph, the term "breastfeeds" means the feeding of a child directly from the breast.

Illinois

▪ 820 ILCS 260/10

An employer shall provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant child. The break time must, if possible, run concurrently with any break time already provided to the employee. An employer is not required to provide break time under this Section if to do so would unduly disrupt the employer's operations.

Indiana

▪ Burns Ind. Code Ann. § 22-2-14-2

To the extent reasonably possible, an employer shall provide a private location, other than a toilet stall, where an employee can express the employee's breast milk in privacy during any period away from the employee's assigned duties. To the extent reasonably possible, an employer shall: (1) provide a refrigerator or other cold storage space for keeping milk that has been expressed; or (2) allow the employee to provide the employee's own portable cold storage device for keeping milk that has been expressed until the end of the employee's work day.

Maine

▪ Burns Ind. Code Ann. § 22-2-14-2

An employer, as defined in section 603, subsection 1, paragraph A, shall provide adequate unpaid break time or permit an employee to use paid break time or meal time each day to express breast milk for her nursing child for up to 3 years following childbirth. The employer shall make reasonable efforts to provide a clean room or other location, other than a bathroom, where an employee may express breast milk in privacy. An employer may not discriminate in any way against an employee who chooses to express breast milk in the workplace.



Minnesota

■ Minn. Stat. § 181.939

An employer must provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant child. The break time must, if possible, run concurrently with any break time already provided to the employee. An employer is not required to provide break time under this section if to do so would unduly disrupt the operations of the employer. The employer must make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where the employee can express her milk in privacy. The employer would be held harmless if reasonable effort has been made.

Mississippi

■ Miss. Code Ann. § 71-1-55

No employer shall prohibit an employee from expressing breast milk during any meal period or other break period provided by the employer.

Montana

■ Mont. Code Anno., § 39-2-215

All state and county governments, municipalities, and school districts and the university system must have a written policy supporting women who want to continue breastfeeding after returning from maternity leave. It is an unlawful discriminatory practice for any public employer: (a) to refuse to hire or employ or to bar or to discharge from employment an employee who expresses milk in the workplace; or (b) to discriminate against an employee who expresses milk in the workplace in compensation or in terms, conditions, or privileges of employment unless based upon a bona fide occupational qualification.

■ Mont. Code Anno., § 39-2-216

All state and county governments, municipalities, and school districts and the university system shall make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where an employee can express the employee's breast milk as provided in 39-2-215.

■ Mont. Code Anno., § 39-2-217

All state and county governments, municipalities, and school districts and the university system shall provide reasonable unpaid break time each day to an employee who needs to express breast milk for the employee's child, as provided in 39-2-215 and 39-2-216, if breaks are currently allowed.

New Mexico

■ N.M. Stat. Ann. § 28-20-2

In order to foster the ability of a nursing mother who is an employee to use a breast pump in the workplace, an employer, including the state and its political subdivisions, shall provide: (1) a space for using the breast pump that is: (a) clean and private; (b) near the employee's workspace; and (c) not a bathroom; and (2) flexible break times. An employer shall not be liable for: (1) storage or refrigeration of breast milk; (2) payment for a nursing mother's break time in addition to established employee breaks; or (3) payment of overtime while a nursing mother is using a breast pump.

New York

■ NY CLS Labor § 206-c

An employer shall provide reasonable unpaid break time or permit an employee to use paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years



following child birth. The employer shall make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy. No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace.

North Dakota

■ 2009 N.D. SB 2344

An employer may use the designation “infant friendly” on its promotional materials if the employer adopts a workplace breastfeeding policy that includes the following: a) flexible work scheduling, including breaks that provide time for expression of breast milk; b) a convenient, sanitary, safe, and private location, other than a restroom, allowing privacy for breastfeeding or expressing breast milk.

Oklahoma

■ 40 Okla. St. § 435

An employer may provide reasonable unpaid break time each day to an employee who needs to breastfeed or express breast milk for her child to maintain milk supply and comfort. An employer is not required to provide break time under this section if to do so would create an undue hardship on the operations of the employer. An employer may make a reasonable effort to provide a private, secure, and sanitary room or other location in close proximity to the work area, other than a toilet stall, where an employee can express her milk or breastfeed her child. The Department of Health shall issue periodic reports on breastfeeding rates, complaints received, and benefits reported by both working breastfeeding mothers and employers.

Oregon

■ ORS § 653.075

The Legislative Assembly finds that: (1) women with infants and toddlers are the fastest growing sector of today's labor force, with at least 50 percent of pregnant women who are employed returning to work by the time their children are three months old; (2) the American Academy of Pediatrics recommends that every child be breast-fed for at least the first 12 months of life and urges that arrangements be made for expressing breast milk if the mother and child are separated; (3) women who wish to continue breastfeeding after returning to work have relatively simple needs. These needs include a clean, convenient, private location to express milk at the work site and adequate break time in which to do so.

Rhode Island

■ R.I. Gen. Laws § 23-13.2-1

An employer may provide reasonable unpaid break time each day to an employee who needs to breastfeed or express breast milk for her infant child to maintain milk supply and comfort. An employer is not required to provide break time under this section if to do so would create an undue hardship on the operations of the employer. An employer shall make a reasonable effort to provide a private, secure and sanitary room or other location in close proximity to the work area, other than a toilet stall, where an employee can express her milk or breastfeed her child. The department of health shall issue periodic reports on breastfeeding rates, complaints received and benefits reported by both working breastfeeding mothers and employers.



Tennessee

■ Tenn. Code Ann. § 50-1-305

An employer shall provide reasonable unpaid break time each day to an employee who needs to express breast milk for that employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. An employer shall not be required to provide break time under this section if to do so would unduly disrupt the operations of the employer. The employer shall make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where the employee can express breast milk in privacy. The employer shall be held harmless if reasonable efforts have been made to comply with this subsection.

Texas

■ Tex. Health & Safety Code § 165.003

A business may use the designation "mother-friendly" in its promotional materials if the business develops a policy supporting the practice of worksite breastfeeding that addresses the following: (1) work schedule flexibility, including scheduling breaks and work patterns to provide time for expression of milk; (2) the provision of accessible locations allowing privacy; (3) access nearby to a clean, safe water source and a sink for washing hands and rinsing out any needed breast-pumping equipment; and (4) access to hygienic storage alternatives in the workplace for the mother's breast milk. The business shall submit its breastfeeding policy to the department. The department shall maintain a list of "mother-friendly" businesses covered under this section and shall make the list available for public inspection.

■ Tex. Health & Safety Code § 165.003

The public health department shall develop recommendations supporting the practice of worksite breastfeeding that address the following: a) work schedule flexibility, including scheduling breaks and work patterns to provide time for expression of milk; b) the provision of accessible locations allowing privacy; c) access nearby to a clean, safe water source and a sink for washing hands and rinsing out any needed breast-pumping equipment; and d) access to hygienic storage alternatives in the workplace for the mother's breast milk.

Vermont

■ 21 V.S.A. § 305

For an employee who is a nursing mother, the employer shall for three years after the birth of a child: a) provide reasonable time, either compensated or uncompensated, throughout the day to express breast milk for her nursing child and b) make a reasonable accommodation to provide appropriate private space that is not a bathroom stall. An employer may be exempted from the provisions of subsection (a) of this section if providing time or an appropriate private space for expressing breast milk would substantially disrupt the employer's operations. An employer shall not retaliate or discriminate against an employee who exercises the right provided under this section.

Virginia

■ Va. Code Ann. § 2.2-2639

No employer employing more than five but less than 15 persons shall discharge any such employee on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, or of age if the employee is 40 years old or older. For the purposes of this section,



"lactation" means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.

Washington

■ Rev. Code Wash. (ARCW) § 43.70.640

An employer may use the designation "infant-friendly" on its promotional materials if the employer has an approved workplace breastfeeding policy addressing at least the following: a) flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for expression of breast milk; b) a convenient, sanitary, safe, and private location, other than a restroom, allowing privacy for breastfeeding or expressing breast milk; c) a convenient clean and safe water source with facilities for washing hands and rinsing breast-pumping equipment located in the private location specified in (b) of this subsection; and d) a convenient hygienic refrigerator in the workplace for the mother's breast milk.



Exempts breastfeeding from public indecency laws

Alaska

■ Alaska Stat. § 01.10.060 HB 1045 (Introduced 1/6/2009)

In the laws of the state, "lewd conduct," "lewd touching," "immoral conduct," "indecent conduct," and similar terms do not include the act of a woman breastfeeding a child in a public or private location where the woman and child are otherwise authorized to be.

Arizona

■ A.R.S. § 13-1402

Indecent exposure does not include an act of breastfeeding by a mother.

Arkansas

■ A.C.A. § 5-14-112

A woman is not in violation of this indecency section for breastfeeding a child in a public place or any place where other individuals are present.

Florida

■ Fla. Stat. § 800.03

It is unlawful to expose or exhibit one's sexual organs in public or on the private premises of another, or so near thereto as to be seen from such private premises, in a vulgar or indecent manner, or to be naked in public except in any place provided or set apart for that purpose. A mother's breastfeeding of her baby does not under any circumstance violate this section.

Illinois

■ 720 ILCS 5/11-9

Breastfeeding of infants is not an act of public indecency.



Kentucky

▪ KRS § 211.755

Breastfeeding a child or expressing breast milk as part of breastfeeding shall not be considered an act of public indecency and shall not be considered indecent exposure, sexual conduct, lewd touching, or obscenity.

Louisiana

▪ La. R.S. 51:2247.1

A mother breastfeeding her baby in any location, public or private, where the mother is otherwise authorized to be, shall not be deemed to be in violation of R.S. 14:106 or of any other provision of law.

Massachusetts

▪ ALM GL ch. 111, § 221

Notwithstanding any general or special law to the contrary, the act of a mother breastfeeding her child, and any exposure of a breast incidental thereto that is solely for the purpose of nursing such child, shall not be considered lewd, indecent, immoral, or unlawful conduct.

Michigan

▪ MCL § 41.181

Public nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

Minnesota

▪ Minn. Stat. § 617.23

It is not a violation of the indecency section for a woman to breastfeed.

Mississippi

▪ Miss. Code Ann. § 97-29-31

It is not a violation of the indecent exposure statute for a woman to breastfeed.

Montana

▪ Mont. Code Anno., § 50-19-501

The act of breastfeeding may not be considered: (a) a nuisance as provided in Title 27, chapter 30; (b) indecent exposure as provided for in 45-5-504; (c) sexual conduct as defined in 45-5-625; or (d) obscenity as provided for in 45-8-201.

Nevada

▪ Nev. Rev. Stat. Ann. § 201.220

For the purposes of this section, the breastfeeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

New Hampshire

▪ RSA 132:10-d

Breastfeeding a child does not constitute an act of indecent exposure and to restrict or limit the right of a mother to breastfeed her child is discriminatory.



New York

- NY CLS Penal § 245.01

A person is guilty of exposure if he appears in a public place in such a manner that the private or intimate parts of his body are unclothed or exposed. For purposes of this section, the private or intimate parts of a female person shall include that portion of the breast which is below the top of the areola. This section shall not apply to the breastfeeding of infants or to any person entertaining or performing in a play, exhibition, show or entertainment.

North Carolina

- N.C. Gen. Stat. § 14-190.9

Under indecency statute, a woman may breastfeed in any public or private location where she is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breastfeeding.

North Dakota

- 2009 N.D. SB 2344

The act of a woman discreetly breastfeeding her infant is not a violation of the indecency section.

Oklahoma

- 63 Okla. St. § 1-234.1

Breastfeeding shall not constitute a violation of any provision of Title 21 of the Oklahoma Statutes.

Pennsylvania

- 35 P.S. § 636.4

The act of breastfeeding shall not be considered: a) indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure); b) open lewdness as defined in 18 Pa.C.S. § 5901 (relating to open lewdness); c) obscenity or sexual conduct as defined in 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances); or d) a nuisance as defined in 18 Pa.C.S. § 6504 (relating to public nuisances).

Rhode Island

- R.I. Gen. Laws § 11-45-2

In no event shall the provisions of this indecent exposure section be construed to apply to breastfeeding in public.

South Carolina

- S.C. Code Ann. § 63-5-40

Breastfeeding a child in a location where the mother is authorized to be is not considered indecent exposure.

South Dakota

- S.D. Codified Laws § 22-24A-2

The term, "prohibited sexual act" does not include a mother's breastfeeding of her baby.



Tennessee

- Tenn. Code Ann. § 39-13-511

This public indecency section does not apply to a mother who is breastfeeding her child who is twelve months of age or younger in any location, public or private.

Utah

- Utah Code Ann. § 10-8-41

A woman's breastfeeding, including breastfeeding in any place where the woman otherwise may rightfully be, does not under any circumstance constitute an obscene or lewd act, irrespective of whether or not the breast is covered during or incidental to feeding.

Virginia

- Va. Code Ann. § 18.2-387

No person shall be deemed to be in violation of this indecent exposure section for breastfeeding a child in any public place or any place where others are present.

Washington

- Rev. Code Wash. (ARCW) § 9A.88.010

The act of breastfeeding or expressing breast milk is not indecent exposure.

Wisconsin

- Wis. Stat. § 944.17

Subsection (2) (sexual gratification) does not apply to a mother's breastfeeding of her child.

Wyoming

- Wyo. Stat. § 6-4-201

The act of breastfeeding an infant child, including breastfeeding in any place where the woman may legally be, does not constitute public indecency.

The Network has compiled a Work-Family Bills and Statutes Database to help provide an overview of the bills that have been proposed and the laws that have been passed in various states that are relevant to work-family issues. This Database includes bills and statutes related to **breastfeeding** that have been proposed in previous and current legislative sessions. You can connect to this database at: <http://wfnetwork.bc.edu/bills.php?area=policy>