

BREASTFEEDING STATE LAWS

6/11/2014



Health professionals and public health officials promote breastfeeding to improve infant health.

Both mothers and children benefit from breast milk. Breast milk contains antibodies that protect infants from bacteria and viruses. Breastfed children have fewer ear, respiratory and urinary tract infections and have diarrhea less often. Infants

who are exclusively breastfed tend to [need fewer health care visits, prescriptions and hospitalizations](#) resulting in a lower total medical care cost compared to never-breastfed infants.

Breastfeeding also provides long-term preventative effects [for the mother](#), including an earlier return to pre-pregnancy weight and a reduced risk of pre-menopausal breast cancer and osteoporosis. According to the [Centers for Disease Control and Prevention](#), approximately 76 percent of mothers start breastfeeding immediately after birth, but only about 16 percent of those moms are breastfeeding exclusively six months later. As a part of the Healthy People 2020 initiative, the [national goal](#) is to increase the proportion of mothers who breastfeed their babies in the early postpartum period to 81.9 percent by the year 2020.

Federal Health Reform and Nursing Mothers

President Obama signed the Affordable Care Act (ACA) on March 30, 2010. (See the combined full text of Public Laws 111-148 and 111-152 [here](#).) Among many provisions, Section 4207 of the law amends the Fair Labor Standards Act (FLSA) of 1938 ([29 U.S. Code 207](#)) to require an employer to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express milk. The employer is not required to compensate an employee receiving reasonable break time for any work time spent for such purpose. The employer must also provide a place, other than a bathroom, for the employee to express breast milk. If these requirements impose undue hardship, an employer that employs fewer than 50 employees is not subject to these requirements. The federal requirements shall not preempt a state law that provides greater protections to employees.

For more information:

- [Fact Sheet on Break Time for Nursing Mothers under the FLSA](#), U.S. Department of Labor
- [Break Time for Nursing Mothers](#), U.S. Department of Labor
- [Frequently Asked Questions – Break Time for Nursing Mothers](#), U.S. Department of Labor
- [Reasonable Break Time for Nursing Mothers: Request for Information from the public](#), Federal Register Notices, Vol. 75, No. 244, December 21, 2010

In addition, the ACA requires new private health insurance plans, including those available in the new health insurance marketplaces, to provide coverage for specified women's preventive health services with no cost sharing (e.g., copayment, coinsurance, or deductible). Breastfeeding support, supplies and lactation counseling are one of these specified preventive services.

For more information:

- [Preventive Services Covered Under the Affordable Care Act](#), NCSL webpage
- [Women's Preventive Services Guidelines](#), Health Services and Resources Administration, U.S. Department of Health and Human Services
- [Affordable Care Act Rules on Expanding Access to Preventive Services for Women](#), HHS.gov/HealthCare, U.S. Department of Health and Human Services, August 2011

State Breastfeeding Laws

- **Forty-six states**, the **District of Columbia** and the **Virgin Islands** have laws that specifically allow women to breastfeed in any public or private location. (Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin and Wyoming.)
- **Twenty-nine states**, the **District of Columbia** and the **Virgin Islands** exempt breastfeeding from public indecency laws. (Alaska, Arizona, Arkansas, Florida, Illinois, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New York, North Carolina, North Dakota,

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Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, Wisconsin and Wyoming.)

- **Twenty-five states, the District of Columbia and Puerto Rico** have laws related to breastfeeding in the workplace. (Arkansas, California, Colorado, Connecticut, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Minnesota, Mississippi, Montana, New Mexico, New York, North Dakota, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Vermont, Virginia, Washington and Wyoming.)
- **Sixteen states and Puerto Rico** exempt breastfeeding mothers from jury duty or allow jury service to be postponed. (California, Connecticut, Idaho, Illinois, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Montana, Nebraska, Oklahoma, Oregon, South Dakota and Virginia.)
- **Five states and Puerto Rico** have implemented or encouraged the development of a breastfeeding awareness education campaign. (California, Illinois, Minnesota, Missouri and Vermont.)

Several states have unique laws related to breastfeeding. For instance,

- **Virginia** allows women to breastfeed on any land or property owned by the state. **Puerto Rico** requires shopping malls, airports, public service government centers and other select locations to have accessible areas designed for breastfeeding and diaper changing that are not bathrooms. **Louisiana's** law requires state building to provide suitable areas for breastfeeding and lactation.
- At least three states have laws related to child care facilities and breastfeeding. **Louisiana** prohibits any child care facility from discriminating against breastfed babies. **Mississippi** requires licensed child care facilities to provide breastfeeding mothers with a sanitary place that is not a toilet stall to breastfeed their children or express milk, to provide a refrigerator to store expressed milk, to train staff in the safe and proper storage and handling of human milk, and to display breastfeeding promotion information to the clients of the facility. **Maryland** requires child care centers to promote proper nutrition and developmentally appropriate practices by establishing training and policies promoting breastfeeding.
- **Maryland** exempts the sale of tangible personal property that is manufactured for the purpose of initiating, supporting or sustaining breastfeeding from the sales and use tax. **Louisiana** prohibits state sales or use tax from being applied to any consumer purchases of breastfeeding items.
- **California, New York and Texas** have laws related to the procurement, processing, distribution or use of human milk.
- **New York** created a Breastfeeding Mothers Bill of Rights, which is required to be posted in maternal health care facilities. New York also created a law that allows a child under one year of age to accompany the mother to a correctional facility if the mother is breastfeeding at the time she is committed.

The box allows you to conduct a full text search or use the dropdown menu option to select a state.

States	Summary of Statutes
Alabama	Ala. Code § 22-1-13 allows a mother to breastfeed her child in any public or private location. (2006 Ala. Acts, Act 526; HB 351)
Alaska	Alaska Stat. § 29.25.080 and § 01.10.060 (1998) prohibit a municipality from enacting 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. The law clarifies that 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. (SB 297) 2014 Alaska House Concurrent Resolution 18 encourages hospitals and birthing facilities in the state to participate in the Baby-Friendly Hospital Initiative and to support breastfeeding.
Arizona	Ariz. Rev. Stat. Ann § 13-1402 specifies that indecent exposure does not include an act of breastfeeding by a mother. Ariz. Rev. Stat. Ann § 41-1443 (2006) entitles a mother to breastfeed in any public place or place of public accommodation where the mother is otherwise lawfully present.
Arkansas	Ark. Stat. Ann. § 5-14-112 (2007) defines indecent exposure and specifies that a woman is not committing indecent exposure for breastfeeding a child in a public place or any place where other individuals are present. (2007 Ark. Acts, Act 680; HB 2411) Ark. Stat. Ann. § 11-5-116 (2009) requires an employer to provide reasonable unpaid break time each day to an employee who needs to express breast milk for her child and requires an employer to make a reasonable effort to provide a private, secure and sanitary room or other location other than a toilet stall where an employee can express her breast milk. (2009 Ark. Acts, Act 621, HB 1552) Ark. Stat. Ann. § 20-27-2001 (2007) allows a woman to breastfeed a child in a public place or any place where other individuals are present. (2007 Ark. Acts, Act 680; HB 2411)
California	Cal. Civil Code § 43.3 (1997) allows a mother to 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. (AB 157) Cal. Code of Civil Procedure § 210.5 (2000) requires the Judicial Court to adopt a standardized jury summons for use, which must include a specific reference to the rules for breastfeeding mothers. 2000 Cal. Stats., Chap. 266 (AB 1814) created the law and directs the Judicial Council to adopt a rule of court to allow the mother of a breastfed child to postpone jury duty for a period of up to one year and that after one year, jury duty may be further postponed upon written request by the mother. See California Rules of Court, Trial Court Rules, Rule 2.1006 . Cal. Government Code § 12926 states it is unlawful to engage in specified discriminatory practices in employment or housing accommodations on the basis of sex. The law provides that, for purposes of the act, the term sex also includes breastfeeding or medical conditions related to breastfeeding. (2012 Cal. Stats., Chap. 701; AB 2386) Cal. Health and Safety Code § 1647 (1999) declares that the procurement, processing, distribution or

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	<p>use of human milk for the purpose of human consumption is considered to be a rendition of a service rather than a sale of human milk. (1999 Cal. Stats., Chap. 87; AB 532)</p> <p>Cal. Health and Safety Code § 1648 requires a hospital that collects, processes, stores or distributes human milk collection from a mother exclusively for her own child to comply with the standards for collection, processing, storage or distribution of human milk by the Human Milk Banking Association of North America unless the department of health approves alternate standards. No screening tests are required to be performed on human milk collected from a mother exclusively for her own child.</p> <p>Cal. Health and Safety Code § 123360 et seq. and § 1257.9 require the Department of Public Health to include in its public service campaign the promotion of mothers breastfeeding their infants. The department shall also develop a training course of hospital policies and recommendations that promote exclusive breastfeeding and specify staff for whom this model training is appropriate. The recommendation is targeted at hospitals with exclusive patient breastfeeding rates ranked in the lowest 25 percent of the state. To the extent that funding is available, the law requires the Department of Public Health to expand the breastfeeding peer counseling program at local agency California WIC sites. The law also requires all general acute care hospital and hospitals providing maternity care to make available a breastfeeding consultant or provide information to the mother about where to receive breastfeeding information. The law also establishes the Hospital Infant Feeding Act, which requires all general acute care hospitals and special hospitals that have perinatal units to have an infant-feeding policy and to clearly post that policy in the perinatal unit or on the hospital or health system website. The law requires the policy to be applied to all infants in a perinatal unit and routinely communicated to perinatal unit staff. (2007 Chapter 460, SB 22; 2011 Cal. Stats., Chap. 511, SB 502)</p> <p>Cal. Health and Safety Code § 123367 requires all acute care and special hospitals that have a perinatal unit to adopt the "Ten Steps to Successful Breastfeeding" of the Baby-Friendly Hospital Initiative, or an evidence-based alternative with targeted outcomes adopted by a health care service plan, or the Model Hospital Policy Recommendations as defined by Cal. Health and Safety Code § 123366. (2013 Cal. Stats., Chap. 666; SB 402)</p> <p>Cal. Labor Code § 1030 et seq. (2001) provides that employers need to allow a break and provide a room for a mother who desires to express milk in private.</p> <p>Cal. Assembly Concurrent Resolution 155 (1998) encourages the state and employers to support and encourage the practice of breastfeeding by striving to accommodate the needs of employees, and by ensuring that employees are provided with adequate facilities for breastfeeding and expressing milk for their children. The resolution memorializes the governor to declare by executive order that all state employees be provided with adequate facilities for breast feeding and expressing milk.</p> <p>2012 Cal. Stats., Chap. 701 amends the California Fair Employment and Housing Act that states it is unlawful to engage in specified discriminatory practices in employment or housing accommodations on the basis of sex. The law provides that the term "sex" also includes breastfeeding or medical conditions related to breastfeeding. (AB 2386)</p> <p>2013 Cal. Stats., Chap. 563 specifies that pursuant to Cal. Civil Code § 43.3, an applicant or recipient of CalWORKs is entitled to breastfeed in any public area, or area where the mother and child are authorized to be present, including in a county welfare department or other county office. (SB 252)</p>
Colorado	<p>Colo. Rev. Stat. § 25-6-301 and § 25-6-302 (2004) recognize the benefits of breastfeeding and encourage mothers to breastfeed. The law also allows a mother to breastfeed in any place she has a right to be. (SB 88)</p> <p>Colo. Rev. Stat. § 8-13.5-101 et seq. (2008) require an employer to provide reasonable break time for an employee to express breast milk for her nursing child for up to two years after the child's birth. The employer must make reasonable efforts to provide a place, other than a toilet stall, for the employee to express breast milk in privacy. The law also requires the Department of Labor and Employment to provide, on its website, information and links to other websites where employers can access information regarding methods to accommodate nursing mothers in the workplace. (2008 Colo., Sess. Laws, Chap. 106, HB 1276)</p>
Connecticut	<p>Conn. Gen. Stat. § 31-40w (2001) requires employers to provide a reasonable amount of time each day to an employee who needs to express breast milk for her infant child and to provide accommodations where an employee can express her milk in private. (HF 5656)</p> <p>Conn. Gen. Stat. § 46a-64 (1997) prohibits places of public accommodation, resort or amusement from restricting or limiting the right of a mother to breastfeed her child. (1997 Conn. Acts, P.A. 210)</p> <p>Conn. Gen. Stat. Ann. § 53-34b provides that no person may restrict or limit the right of a mother to breastfeed her child.</p> <p>2012 Conn. Acts, P.A. 51 allows a jury administrator to grant a postponement of jury duty for no more than 12 months to any mother who is breastfeeding her child or expressing breast milk for her child. The law requires the judicial branch to maintain information regarding jury services, including information for breastfeeding women about their ability to postpone jury service or request a reasonable accommodation be made, on its website. (SB 194)</p>
Delaware	<p>Del. Code Ann. tit. 31 § 310 (1997) entitles a mother to breastfeed her child in any location of a place of public accommodation wherein the mother is otherwise permitted. (Vol. 71 Del. Laws, Chap. 10; 1997 HB 31)</p>
District of Columbia	<p>D.C. Code Ann. § 2-1402.81 et seq. amend the Human Rights Act of 1977 to include breastfeeding as part of the definition of discrimination on the basis of sex, to ensure a woman's right to breastfeed her child in any location, public or private, where she has the right to be with her child. The law provides that breastfeeding is not a violation of indecent exposure laws. The law also specifies that an employer shall provide reasonable daily unpaid break periods, as required by the employee, so that the employee may express breast milk for her child. These break periods shall run concurrently with any break periods that may already be provided to the employee. Requires that an employer make reasonable efforts to provide a sanitary room or other location, other than a</p>



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	bathroom or toilet stall, where an employee can express her breast milk in privacy and security. The location may include a childcare facility in close proximity to the employee's work location. (2007 D.C. Stat., Chap. 17-58; B 133)
Florida	<p>Fla. Stat. § 383.015 (1993) allows a mother to breastfeed in any public or private location. (HB 231)</p> <p>Fla. Stat. § 383.016 (1994) authorizes a facility lawfully providing maternity services or newborn infant care to use the designation "baby-friendly" on its promotional materials. The facility must be in compliance with at least eighty percent of the requirements developed by the Department of Health in accordance with UNICEF and World Health Organization baby-friendly hospital initiatives. (SB 1668)</p> <p>Fla. Stat. § 800.02 et seq. and § 827.071 exclude breastfeeding from various sexual offenses, such as lewdness, indecent exposure and sexual conduct.</p> <p>Fla. Stat. § 847.0135 (5) (d) (2008) excludes a mother breastfeeding her baby from the offense of lewd or lascivious exhibition using a computer. (2008 Fla. Laws, Chap. 172, SB 1442)</p>
Georgia	<p>Ga. Code § 31-1-9 (1999) states that 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 and allows a mother to breastfeed her baby in any location where the mother and baby are otherwise authorized to be. (1999 SB 29, Act 304; 2002 SB 221)</p> <p>Ga. Code § 34-1-6 (1999) allows employers to provide daily unpaid break time for a mother to express breast milk for her infant child. Employers are also required to make a reasonable effort to provide a private location, other than a toilet stall, in close proximity to the workplace for this activity. The employer is not required to provide break time if to do so would unduly disrupt the workplace operations.</p>
Hawaii	<p>Hawaii Rev. Stat. § 367-3 (1999) requires the Hawaii Civil Rights Commission to collect, assemble and publish data concerning instances of discrimination involving breastfeeding or expressing breast milk in the workplace. The law prohibits employers to forbid an employee from expressing breast milk during any meal period or other break period. (HB 266)</p> <p>Hawaii Rev. Stat. § 378-2 provides that it is unlawful discriminatory practice for any employer or labor organization to refuse to hire or employ, bar or discharge from employment, withhold pay from, demote or penalize a lactating employee because an employee breastfeeds or expresses milk at the workplace. (2000 Hawaii Sess. Laws, Act 227; HB 2774)</p> <p>Hawaii Rev. Stat. § 489.21 and § 489-22 provide that it is a discriminatory practice to deny, or attempt to deny, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodation of a place of public accommodations to a woman because she is breastfeeding a child. The law allows a private cause of action for any person who is injured by a discriminatory practice under this act.</p> <p>2010 House Concurrent Resolution 158 urges the Department of Human Services and the Department of Health to develop a program to encourage breastfeeding among mothers who receive assistance from Medicaid.</p> <p>2013 Hawaii Sess. Laws. Act. 249 requires specified employers to provide reasonable break time for an employee to express milk for a nursing child in a location, other than a bathroom, that is sanitary, shielded from view and free from intrusion. The law also requires employers to post notice of the application of this law in a conspicuous place accessible to employees. (SB 532)</p>
Idaho	Idaho Code § 2-212 (2002) provides that a person who is not disqualified for jury service under § 2-209 may have jury service postponed by the court or the jury commissioner only upon a showing of undue hardship, extreme inconvenience, or public necessity, or upon a showing that the juror is a mother breastfeeding her child. (2002 HB 497)
Illinois	<p>Ill. Rev. Stat. ch. 20 § 2310/442 (1997) allows the Department of Public Health to conduct an information campaign for the general public to promote breastfeeding of infants by their mothers. The law allows the department to include the information in a brochure for free distribution to the general public. (Ill. Laws, P.A. 90-244)</p> <p>Ill. Rev. Stat. ch. 705 § 305/10.3 amends the Jury Act; provides that any mother nursing her child shall, upon her request, be excused from jury duty. (Ill. Laws, P.A. 094-0391, 2005 SB 517)</p> <p>Ill. Rev. Stat. ch. 720 § 5/11-9 (1995) clarifies that breastfeeding of infants is not an act of public indecency. (SB 190)</p> <p>Ill. Rev. Stat. ch. 740 § 137 (2004) creates the Right to Breastfeed Act. The law provides that a mother may breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be; a mother who breastfeeds in a place of worship shall follow the appropriate norms within that place of worship. (SB 3211)</p> <p>Ill. Rev. Stat. ch. 820 § 260 (2001) creates the Nursing Mothers in the Workplace Act. Requires that employers provide reasonable unpaid break time each day to employees who need to express breast milk. The law also requires employers to make reasonable efforts to provide a room or other location, other than a toilet stall, where an employee can express her milk in privacy. (SB 542)</p> <p>2011 Ill. Senate Resolution 170 recognizes the unique health, economic, and societal benefits that breastfeeding provides to babies, mothers, families and the community and resolves the state of Illinois to work to ensure that barriers to initiation and continuation of breastfeeding are removed and that a women's right to breastfeed is upheld.</p> <p>2012 Ill. Laws, P.A. 97-713 establishes the hospital infant feeding act and requires that every hospital that provides birthing services to adopt an infant feeding policy that promotes breastfeeding. The hospital must routinely communicate this policy to staff and authorizes the posting of the policy on the hospital's website. (HB 4968)</p> <p>2012 Ill. House Resolution 778 urges departments that assist families and children to offer and promote educational materials about breastfeeding.</p>
Indiana	<p>Ind. Code § 16-35-6 allows a woman to breastfeed her child anywhere the law allows her to be. (HB 1510)</p> <p>Ind. Code § 5-10-6-2 and § 22-2-14-2 (2008) provide that state and political subdivisions shall provide for reasonable paid breaks for an employee to express breast milk for her infant, make</p>



States	Summary of Statutes
	reasonable efforts to provide a room or other location, other than a toilet stall, where the employee can express breast milk in private and make reasonable efforts to provide for a refrigerator to keep breast milk that has been expressed. The law also provides that employers with more than 25 employees must provide a private location, other than a toilet stall, where an employee can express the employee's breast milk in private and if possible to provide a refrigerator for storing breast milk that has been expressed. (2008 Ind. Acts, P.L. 13, SB 219)
Iowa	Iowa Code § 135.30A (2002) a woman may breastfeed the woman's own child in any public place where the woman's presence is otherwise authorized. Iowa Code § 607A.5 (1994) allows a woman to be excused from jury service if she submits written documentation verifying, to the court's satisfaction, that she is the mother of a breastfed child and is responsible for the daily care of the child.
Kansas	Kan. Stat. Ann. § 43-158 allows a mother breastfeeding her child to be excused from jury service and allows jury service to be postponed until the mother is no longer breastfeeding the child. (2006 HB 2284) Kan. Stat. Ann. § 65-1,248 provides that it is the public policy of Kansas that a mother's choice to breastfeed should be supported and encouraged to the greatest extent possible and that a mother may breastfeed in any place she has a right to be.
Kentucky	Ky. Rev. Stat. § 29A.100 (2007) directs judges at all levels of the court to excuse women who are breastfeeding or expressing breast milk from jury service until the child is no longer nursing. (SB 111) Ky. Rev. Stat. § 211-755 (2006) permits a mother to breastfeed her baby or express breast milk in any public or private location. Requires that breastfeeding may not be considered an act of public indecency, indecent exposure, sexual conduct, lewd touching or obscenity. Prohibits a municipality from enacting an ordinance that prohibits or restricts breastfeeding in a public or private place. (2006 SB 106)
Louisiana	La. Rev. Stat. Ann. § 46.1409 (B)(5) prohibits any child care facility from discriminating against breastfed babies. (HB 233) La. Rev. Stat. § 47:305.67 provides that the state sales and use tax shall not apply to the consumer purchase of breastfeeding items, including breast pumps and accessories, replacement parts, storage bags and accessories, and nursing bras. (2011 La. Acts, P.A. 331; SB 82) La. Rev. Stat. Ann. § 51.2247.1 (2001) states that a mother may breastfeed her baby in any place of public accommodation, resort, or amusement, and clarifies that breastfeeding is not a violation of law, including obscenity laws. (2001 HB 377) La. House Concurrent Resolution 35 (2002) establishes a joint study of requiring insurance coverage for outpatient lactation support for new mothers. 2008 La. Senate Resolution 110 requests the Department of Health & Hospitals to study and/or consider a provision of providing non-emergency transportation for new mothers to allow them to visit the hospital and bring their breast milk for their babies. 2011 La. Acts, P.A. 269 requires certain state buildings to provide suitable areas for breastfeeding and lactation. (2011 HB 313) 2012 La. House Concurrent Resolution 52 requests the department of health and hospitals to study the feasibility of establishing a breast milk bank at a hospital in northeast Louisiana. The study shall also include information about any cost savings to the Medicaid program by creating a breast milk bank. 2013 La. Acts, P.A. 87 requires public school boards to adopt a policy to require each school to provide an appropriate, private room, other than a restroom, that may be used by an employee to express breast milk. The school must also provide a reasonable amount of break time to accommodate an employee needing to express breast milk for up to one year following the birth of her child. (HB 635)
Maine	Me. Rev. Stat. Ann. tit. 5, § 4634 (2001) amends the Maine Human Rights Act to declare that a mother has the right to breastfeed her baby in any location, whether public or private, as long as she is otherwise authorized to be in that location. (Me. Laws, Chap. 206; LD 1396) Me. Rev. Stat. Ann. tit. 26, § 604 (2009) requires an employer to provide adequate unpaid or paid break time to express breast milk for up to 3 years following childbirth. The employer must make reasonable efforts to provide a clean place, other than a bathroom, where an employee may express breast milk in privacy. The employer may not discriminate against an employee who chooses to express breast milk in the workplace. (2009 Me. Laws, Chap. 84, HB 280)
Maryland	Md. Health-General Code Ann. § 20-801 (2003) permits a woman to breastfeed her infant in any public or private place and prohibits anyone from restricting or limiting this right. (SB 223) Md. Tax-General Code Ann. § 11-211 exempts the sale of tangible personal property that is manufactured for the purpose of initiating, supporting or sustaining breastfeeding from the sales and use tax. 2014 Md. Laws, Chap. 331 and Chap. 332 relates to the licensing and operation of child care centers. The law requires child care centers to promote proper nutrition and developmentally appropriate practices by establishing training and policies promoting breastfeeding. (SB 716 and HB 1276)
Massachusetts	Mass. Gen. Laws Ann. ch. 111 § 221 (2008) allows a mother to 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. The law also specifies that the act of a mother breastfeeding her child shall not be considered lewd, indecent, immoral or unlawful conduct and provides for a civil action by a mother subjected to a violation of this law. (2008 Mass. Acts, Chap. 466, SB 2438)
Michigan	Mich. Comp. Laws § 41.181, § 67.1aa and § 117.4i et seq. (1994) state that public nudity laws do not apply to a woman breastfeeding a child. 2012 Mich. Pub. Acts, Act 69 provides an exemption for nursing mothers from jury service for the period during which she is nursing her child. The mother is exempt upon making the request if she



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	provides a letter from a physician, lactation consultant, or a certified nurse midwife verifying that she is a nursing mother. (HB 4691)
Minnesota	<p>Minn. Stat. Ann. § 145.894 directs the state commissioner of health to develop and implement a public education program promoting the provisions of the Maternal and Child Nutrition Act. The education programs must include a campaign to promote breastfeeding.</p> <p>Minn. Stat. § 145.905 provides that a mother may breastfeed in any location, public or private, where the mother and child are authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breastfeeding.</p> <p>Minn. Stat. § 181.939 (1998, 2014) requires employers to provide daily, unpaid break time for a mother to express breast milk for her infant child. Employers are also required to make a reasonable effort to provide a private location, other than a bathroom or toilet stall, in close proximity to the workplace that is shielded from view, free from intrusion and has an electrical outlet. The law specifies that an employer may not retaliate against an employee for asserting rights or remedies under this act. (1998 SB 2751; 2014 HB 2536)</p> <p>Minn. Stat. Ann. § 617.23 (1998) specifies that breastfeeding does not constitute indecent exposure.</p>
Mississippi	<p>Miss. Code Ann. § 13-5-23 (2006) provides that breastfeeding mothers may be excused from serving as jurors. (SB 2419)</p> <p>Miss. Code Ann. § 17-25-7/9 (2006) prohibits any ordinance restricting a woman's right to breastfeed and provides that a mother may breastfeed her child in any location she is otherwise authorized to be. (SB 2419)</p> <p>Miss. Code Ann. § 43-20-31 (2006) requires licensed child care facilities to provide breastfeeding mothers with a sanitary place that is not a toilet stall to breastfeed their children or express milk, to provide a refrigerator to store expressed milk, to train staff in the safe and proper storage and handling of human milk, and to display breastfeeding promotion information to the clients of the facility.</p> <p>Miss. Code Ann. Ch. 1 § 71-1-55 (2006) prohibits against discrimination towards breastfeeding mothers who use lawful break time to express milk.</p> <p>Miss. Code Ann. § 97-29-31 and § 97-35-7et seq. (2006) specifies that a woman breastfeeding may not be considered an act of indecent exposure, disorderly conduct, or disturbance of the public space.</p>
Missouri	<p>Mo. Rev. Stat. § 191.915 (1999) requires hospitals and ambulatory surgical centers to provide new mothers with a breastfeeding consultation or information on breastfeeding, the benefits to the child and information on local breastfeeding support groups. The law requires physicians who provide obstetrical or gynecological consultation to inform patients about the postnatal benefits of breastfeeding. The law requires the Department of Health to provide and distribute written information on breastfeeding and the health benefits to the child. (SB 8)</p> <p>Mo. Rev. Stat. § 191.918 (1999, 2014) allows a mother, with discretion, to breastfeed her child or express breast milk in any public or private location where the mother is otherwise authorized to be. The law also states that breastfeeding a child or expressing breast milk does not constitute sexual conduct or sexual contact as defined in § 566.010, and is not considered an act of public indecency, indecent exposure, lewd touching or obscenity. A municipality may not enact an ordinance prohibiting or restricting a mother from breastfeeding or expressing breast milk in a public or private location. (2014 HB 1320)</p> <p>2014 Mo. House Bill 1320 allows a nursing mother, upon her request, and with a completed written statement from her physician to the court certifying she is a nursing mother, to be excused from service as a petit or grand juror.</p>
Montana	<p>Mont. Code Ann. § 39-2-215 et seq. specifies that employers must not discriminate against breastfeeding mothers and must encourage and accommodate breastfeeding. Requires employers to provide daily unpaid break time for a mother to express breast milk for her infant child and facilities for storage of the expressed milk. Employers are also required to make a reasonable effort to provide a private location, other than a toilet stall, in close proximity to the work place for this activity.</p> <p>Mont. Code Ann. § 50-19-501 (1999) states that the breastfeeding of a child in any location, public or private, where the mother otherwise has a right to be is legal and cannot be considered a nuisance, indecent exposure, sexual conduct, or obscenity. (SB 398)</p> <p>Mont. Code Ann. § 3-15-313 (2009) specifies that the court may excuse a person from jury service upon finding that it would entail undue hardship for the person; an excuse may be granted if the prospective juror is a breastfeeding mother. (2009 Mont. Laws, Chap. 167, HB 372)</p>
Nebraska	<p>Neb. Rev. Stat. §25-1601-4 (2003) states that a nursing mother is excused from jury duty until she is no longer breastfeeding and that the nursing mother must file a qualification form supported by a certificate from her physician requesting exemption. (LB 19)</p> <p>2011 Neb. Laws, L.B. 197 specifies that a mother may breastfeed her child in any public or private location where the mother is otherwise authorized to be.</p>
Nevada	<p>Nev. Rev. Stat. § 201.210, and § 201.220 state that the breastfeeding of a child is not considered a violation of indecent exposure laws. (1995 SB 317)</p> <p>Nev. Rev. Stat. § 201.232 states that a mother may breastfeed her child in any location, private or public, where the mother is otherwise authorized to be. (1995 SB 317)</p>
New Hampshire	N.H. Rev. Stat. Ann. § 132:10-d (1999) state that breastfeeding does not constitute indecent exposure and that limiting or restricting a mother's right to breastfeed is discriminatory. (HB 441)
New Jersey	N.J. Rev. Stat. § 26:4B-4/5 (1997) entitles a mother to breastfeed her baby in any location of a place of public accommodation, resort or amusement wherein the mother is otherwise permitted. Failure to comply with the law may result in a fine.
New Mexico	<p>N.M. Stat. Ann. § 28-20-1 (1999) permits a mother to breastfeed her child in any public or private location where she is otherwise authorized to be. (SB 545)</p> <p>N.M. Stat. Ann. § 28-20-2 (2007) requires employers to provide a clean, private place, not a</p>



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	<p>bathroom, for employees who are breastfeeding to pump. Also requires that the employee be given breaks to express milk, but does not require that she be paid for this time.</p> <p>2009 N.M. House Memorial 58 requests the governor's women's health advisory council to convene a task force to study the needs of breastfeeding student-mothers and make recommendations for breastfeeding accommodations in school environments.</p>
New York	<p>N.Y. Civil Rights Law § 79-e (1994) permits a mother to breastfeed her child in any public or private location. (SB 3999)</p> <p>N.Y. Correction Law § 611 allows a mother of a nursing child to be accompanied by her child if she is committed to a correctional facility at the time she is breastfeeding. This law also permits a child born to a committed mother to return with the mother to the correctional facility. The child may remain with the mother until one year of age if the woman is physically capable of caring for the child. (2009 N.Y. Laws, Chap. 411; SB 1290)</p> <p>N.Y. Labor Law § 206-c (2007) states that employers must allow breastfeeding mothers reasonable, unpaid break times to express milk and make a reasonable attempt to provide a private location for her to do so. Prohibits discrimination against breastfeeding mothers.</p> <p>N.Y. Penal Law § 245.01 et seq. excludes breastfeeding of infants from exposure offenses.</p> <p>N.Y. Public Health Law § 2505 provides that the Maternal and Child Health commissioner has the power to adopt regulations and guidelines including, but not limited to donor standards, methods of collection, and standards for storage and distribution of human breast milk.</p> <p>N.Y. Public Health Law § 2505-a creates the Breastfeeding Mothers Bill of Rights and requires it to be posted in a public place in each maternal health care facility. The commissioner must also make the Breastfeeding Mothers Bill of Rights available on the health department's website so that health care facilities and providers may include such rights in a maternity information leaflet. (2009 N.Y. Laws, Chap. 292; AB 789)</p>
North Carolina	<p>N.C. Gen. Stat. § 14-190.9 (1993) states that a woman is allowed to breastfeed in any public or private location, and that she is not in violation of indecent exposure laws. (HB 1143)</p>
North Dakota	<p>N.D. Cent. Code § 12.1-20-12.1 exempts the act of a woman discreetly breastfeeding her child from indecent exposure laws. (2009 SB 2344)</p> <p>N.D. Cent. Code § 23-12-16 allows a woman to breastfeed her child in any location, public or private, where the woman and child are otherwise authorized to be. (2009 SB 2344)</p> <p>N.D. Cent. Code § 23-12-17 provides that an employer may use the designation "infant friendly" on its promotional materials if the employer adopts specified workplace breastfeeding policies, including scheduling breaks and permitting work patterns that provide time for expression of breast milk; providing a convenient, sanitary, safe and private location other than a restroom for expressing breast milk; and a refrigerator in the workplace for the temporary storage of breast milk. The law also directs to the state department of health to establish guidelines for employers concerning workplace breastfeeding and infant friendly designations. (2009 SB 2344)</p>
Ohio	<p>Ohio Rev. Code Ann. § 3781.55 (2005) provides that a mother is entitled to breastfeed her baby in any location of a place of public accommodation wherein the mother is otherwise permitted. (SB 41)</p>
Oklahoma	<p>Okla. Stat. tit. 38, § 28 (2004) exempts mothers who are breastfeeding a baby from jury duty, upon their request. (2004 HB 2102)</p> <p>Okla. Stat. tit. 40, § 435 (2006) requires that an employer provide reasonable unpaid break time each day to an employee who needs to breastfeed or express breast milk for her child. The law requires the Department of Health to issue periodic reports on breastfeeding rates, complaints received and benefits reported by both working breastfeeding mothers and employers. (HB 2358)</p> <p>Okla. Stat. tit. 63, § 1-234 (2004) allow a mother to breastfeed her child in any location that she is authorized to be and exempts her from the crimes and punishments listed in the penal code of the state of Oklahoma. (HB 2102)</p>
Oregon	<p>Or. Rev. Stat. § 10.050 (1999) excuses a woman from acting as a juror if the woman is breastfeeding a child. A request from the woman must be made in writing. (SB 1304)</p> <p>Or. Rev. Stat. § 109.001 (1999) allows a woman to breastfeed in a public place. (SB 744)</p> <p>Or. Rev. Stat. § 653.075, § 653.077 and § 653.256 (2007) allow women to have unpaid 30-minute breaks during each four-hour shift to breastfeed or pump. Allows certain exemptions for employers. (HB 2372)</p>
Pennsylvania	<p>Pa. Cons. Stat. tit. 35 § 636.1 et seq. (2007) allows mothers to breastfeed in public without penalty. Breastfeeding may not be considered a nuisance, obscenity or indecent exposure under this law. (SB 34)</p>
Puerto Rico	<p>1 L.P.R.A. § 5165 declares August as "Breastfeeding Awareness Month" and the first week of August as "World Breastfeeding Week" in Puerto Rico.</p> <p>3 L.P.R.A. § 1466 and 29 L.P.R.A. § 478a et seq. provide that breastfeeding mothers have the opportunity to breastfeed their babies for half an hour within the full-time working day for a maximum duration of 12 months.</p> <p>23 L.P.R.A. § 43-1 directs the Regulations and Permits Administration to adopt regulations, which shall provide that in shopping malls, airports, ports and public service government centers there shall be accessible areas designed for breastfeeding and diaper changing that are not bathrooms.</p> <p>34 L.P.R.A. § 1735h states that any woman breastfeeding her child under 24 months old and who presents a medical attestation to such fact is exempt from serving as a juror. (2003 SB 397)</p>
Rhode Island	<p>R.I. Gen. Laws § 11-45-2 (1998) specifies that indecent exposure-disorderly conduct laws do not apply to breastfeeding in public. (1998 HB 8103, SB 2319; 2008 R.I. Pub Laws, Chap. 183, SB 2916)</p> <p>R.I. Gen. Laws § 23-13.2-1 (2003) specifies that 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. The law requires the department of health to issue periodic reports on breastfeeding rates, complaints received and benefits reported by both working breastfeeding mothers and employers, and provides definitions. (2003 HB 5507, SB 151; 2008 R.I. Pub. Laws, Chap. 475, HB 7906)</p>



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	R.I. Gen. Laws § 23-13.5-1 and § 23-13.5-2 (2008) allow a woman to feed her child by bottle or breast in any place open to the public and would allow her a private cause of action for denial of this right. (2008 R.I. Pub. Laws, Chap. 223 and Chap. 308, HB 7467 and SB 2283)
South Carolina	S.C. Code Ann. § 63-5-40 (2005) provides that a woman may breastfeed her child in any location where the mother is authorized to be and that the act of breastfeeding is not considered indecent exposure. (2008 HB 4747)
South Dakota	S.D. Codified Laws Ann. § 22-24A-2 (2002) exempts mothers who are breastfeeding from indecency laws. 2012 S.D. Sess. Laws, Chap. 114 provides for an exemption from jury duty for a mother who is breastfeeding a baby younger than one year. A written notice requesting an exemption must be submitted to the clerk of court within ten days of receiving the summons for jury duty. (HB 1177)
Tennessee	Tenn. Code Ann. § 68-58-101 et seq. (2006, 2011) permits a mother to breastfeed in any location, public or private, that the mother is authorized to be, and prohibits local governments from criminalizing or restricting breastfeeding. Specifies that the act of breastfeeding shall not be considered public indecency as defined by § 39-13-511 ; or nudity, obscene, or sexual conduct as defined in § 39-17-901 . Tenn. Code Ann. § 68-58-101 et seq. and § 39-13-511(d) were amended in 2011 by Tenn. Pub. Acts, Chap. 91 (SB 83) to remove a provision permitting mothers to breastfeed only infants 12 months or younger in any location. (2006 Tenn. Law, Chap. 617 ; HB 3582) Tenn. Code Ann. § 50-1-305 (1999) requires employers to provide daily unpaid break time for a mother to express breast milk for her infant child. Employers are also required to make a reasonable effort to provide a private location, other than a toilet stall, in close proximity to the workplace for this activity. (1999 Tenn. Law, Chap. 161 ; SB 1856)
Texas	Tex. Health Code Ann. § 161.071 (2001) requires the Department of Health to establish minimum guidelines for the procurement, processing, distribution, or use of human milk by donor milk banks. (HB 391) Tex. Health Code Ann. § 165.002 (1995) authorizes a woman to breastfeed her child in any location. Tex. Health Code Ann. § 165.003 et seq. provides for the use of a "mother-friendly" designation for businesses who have policies supporting worksite breastfeeding. (HB 340) The law provides for a worksite breastfeeding demonstration project and requires the Department of Health to develop recommendations supporting worksite breastfeeding. (HB 359)
U.S. Virgin Islands	14 V.I.C. § 1022 specifies that a woman breastfeeding a child in any public or private location where the woman's presence is otherwise authorized does not under any circumstance constitute obscene or indecent conduct.
Utah	Utah Code Ann. § 17-15-25 (1995) states that city and county governing bodies may not inhibit a woman's right to breastfeed in public. Utah Code Ann. § 76-9-702 and § 76-10-1229.5 state that a breastfeeding woman is not in violation of any lewdness, obscene or indecent exposure laws. (HB 262) 2012 Utah House Joint Resolution 4 encourages employers to recognize the benefits of breastfeeding and to provide unpaid break time and an appropriate space for employees who need to breastfeed or express their milk for their infant children.
Vermont	Vt. Stat. Ann. tit. 9, § 4502 (j) (2002) and 2002 Vt. Acts, Act 117 state that breastfeeding should be encouraged in the interest of enhancing maternal, child and family health. The law provides that 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. The law directs the human rights commission to develop and distribute materials that provide information regarding a woman's legal right to breastfeed her child in a place of public accommodation. (SB 156) Vt. Stat. Ann. tit. 21, § 305 requires employers to provide reasonable time throughout the day for nursing mothers to express breast milk for three years after the birth of a child. Also requires employers to make a reasonable accommodation to provide appropriate private space that is not a bathroom stall, and prohibits discrimination against an employee who exercises or attempts to exercise the rights provided under this act. (2008 Vt. Acts, Act 144, HB 641 ; 2013 Vt. Acts, Act 31, HB 99) 2008 Vt. Acts, Act 203 directs the commissioner of health to convene a healthy worksites work group to identify priorities and develop recommendations to enhance collaborative learning and interactive sharing of best practices in worksite wellness and employee health management. The work group shall examine best practices in Vermont and other states, including strategies to spread the adoption of workplace policies and practices that support breastfeeding for mothers. The commissioner is required to make recommendations in a report on healthy living initiatives to the legislature by January 15, 2009. (HB 887)
Virginia	Va. Code § 2.2-1147.1 (2002) guarantees a woman the right to breastfeed her child on any property owned, leased or controlled by the state. The bill also stipulates that childbirth and related medical conditions specified in the Virginia Human Rights Act include activities of lactation, including breastfeeding and expression of milk by a mother for her child. (HB 1264) Va. Code Ann. § 8.01-341.1 (2005) provides that a mother who is breastfeeding a child may be exempted from jury duty upon her request. (2005 Chap. 195, HB 2708) Va. Code Ann. § 18.2-387 (1994) exempts mothers engaged in breastfeeding from indecent exposure laws. Va. House Joint Resolution 145 (2002) encourages employers to recognize the benefits of breastfeeding and to provide unpaid break time and appropriate space for employees to breastfeed or express milk.
Washington	Wash. Rev. Code § 9A.88.010 (2001) states that the act of breastfeeding or expressing breast milk is not indecent exposure. (HB 1590) Wash. Rev. Code § 43.70.640 (2001) allows any employer, governmental and private, to use the designation of "infant-friendly" on its promotional materials if the employer follows certain



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	<p>requirements. (2001 Wash. Laws, Chap. 88)</p> <p>Wash. Rev. Code § 49.60.30(g) provides that it is the right of a mother to breastfeed her child in any place of public resort, accommodations, assemblage or amusement. (2009 Wash. Laws, Chap. 164, HB 1596)</p> <p>Wash. Rev. Code § 49.60.215 states that it is an unfair practice for any person to discriminate against a mother breastfeeding her child in any place of public resort, accommodations, assemblage or amusement. (2009 Wash. Laws, Chap. 164, HB 1596)</p>
West Virginia	2014 W.Va. Acts, Chap. 73 specifies that a mother may breastfeed a child in any location open to the public. (HB 4335)
Wisconsin	<p>Wis. Stat. § 944.17(3), § 944.20(2) and § 948.10(2)(b) (1995) provide that breastfeeding mothers are not in violation of criminal statutes of indecent or obscene exposure. (AB 154)</p> <p>2009 Wis. Laws, Act 148 provides that a mother may breastfeed her child in any public or private location where the mother and child are otherwise authorized to be. The law specifies that in such a location, no person may prohibit a mother from breastfeeding her child, direct a mother to move to a different location to breastfeed her child, direct a mother to cover her child or breast while breastfeeding, or otherwise restrict a mother from breastfeeding her child. (2009 AB 57)</p>
Wyoming	<p>Wyo. House Joint Resolution 5 (2003) encourages breastfeeding and recognizes the importance of breastfeeding to maternal and child health. The resolution also commends employers, both in the public and private sectors, who provide accommodations for breastfeeding mothers.</p> <p>Wyo. Stat. § 6-4-201 (2007) exempts breastfeeding mothers from public indecency laws and gives breastfeeding women the right to nurse anyplace that they otherwise have a right to be. (HB 105)</p>

Sources: National Conference of State Legislatures and StateNet

Note: List may not be comprehensive, but is representative of state laws that exist. NCSL appreciates additions and corrections.

Additional Resources

- [Got Milk? | NCSL State Legislatures magazine](#), October/November 2011
- [The Economic Benefits of Breastfeeding | NCSL LegisBrief](#), January 2010
- [The Benefits of Breastfeeding | NCSL State Legislatures magazine](#), April 2005
- [American Academy of Pediatrics \(AAP\) : Breastfeeding](#)
- [American Academy of Family Physicians: Promoting and Supporting Breastfeeding](#)
- [Center for Disease Control and Prevention: Breastfeeding Topics](#)
 - [Breastfeeding Report Card, 2013](#)
 - [Online Data from the Infant Feeding Practices Study II](#)
 - [The CDC Guide to Strategies to Support Breastfeeding Mothers and Babies, 2013](#)
- [Le Leche League International](#)
- [March of Dimes: Breastfeeding](#)
- [Investing in Workplace Breastfeeding Programs and Policies: An Employer's Toolkit | National Business Group on Health](#), June 2009
- [Health Resources and Services Administration, U.S. Department of Health and Human Services](#)
 - [Breastfeeding | Office on Women's Health, U.S. Department of Health and Human Services](#)
 - [The Business Case for Breastfeeding](#)
 - [HHS Blueprint for Action on Breastfeeding](#)
 - [Business Case for Breastfeeding, Maternal and Child Health Bureau](#)
- [The Surgeon General's Call to Action to Support Breastfeeding, 2011 \(Executive Summary\) | Office of the Surgeon General, U.S. Department of Health and Human Services](#)
- [Women, Infants, and Children \(WIC\): Breastfeeding Promotion and Support in WIC | U.S. Department of Agriculture, Food and Nutrition Service](#)

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