

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 82**

4 (By Senators Foster, Stollings, Beach, Klempa and Plymale)

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6 [Originating in the Committee on Health and Human Resources;
7 reported February 22, 2011.]

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11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new article, designated §16-43-1 and §16-43-
13 2, all relating to findings and purposes; and child's right to
14 nurse, location permitted and protected right.

15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new article, designated §16-43-1 and §16-43-2,
18 all to read as follows:

19 **ARTICLE 43. BREAST FEEDING MOTHERS.**

20 **§16-43-1. Findings and purposes.**

21 (a) The Legislature finds that:

22 (1) The encouragement of a public acceptance of breast feeding
23 is consistent with the promotion of family values between a mother
24 and her child and no mother should be made to feel incriminated or
25 socially ostracized for breast feeding her child.

1 (2) Breast feeding a baby constitutes a basic act of nurturing
2 to which every mother and child has a right and which should be
3 encouraged in the interests of maternal and child health.

4 (3) Breast feeding provides significant health benefits to
5 both the mother and child.

6 (4) Social constraints of modern society weigh against the
7 choice of breast feeding and often result in new mothers opting to
8 choose formula feeding to avoid embarrassment, social ostracism, or
9 criminal prosecution.

10 (b) This part has the following purposes:

11 (1) To increase the incidence and duration of breast feeding
12 as a goal for optimal maternal and child health and nutrition;

13 (2) To enable women who so choose to freely breast feed their
14 children so that infants may be fed exclusively on breast milk for
15 at least the first 6 months of life, as recommended by the American
16 Academy of Pediatrics;

17 (3) To further enable women to breast feed while giving
18 appropriate and adequate complementary foods to children for up to
19 2 years of age or beyond; and

20 (4) To create an appropriate environment of awareness and
21 support so that women can breast feed and thereby achieve an ideal
22 child nutrition option.

23 **§16-43-2. Child's right to nurse; location where permitted; right**
24 **protected.**

25 (a) A woman has the right to breast feed her child or children
26 in any location, public or private, where she has the right to be

1 with her child, without respect to whether the woman's breast or
2 any part of it is uncovered during or incidental to the breast
3 feeding of her child.

This section is new; therefore, strike-throughs and underscoring have been omitted.