

COMMITTEE SUBSTITUTE

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Senate Bill No. 82

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

[Originating in the Committee on the Judiciary;
reported February 28, 2011.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-19, relating to a child's right to nurse; and stating that a child may be breast fed in any location where the woman and child have a right to be.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-1-19, to read as follows:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-19. Child's right to nurse; locations where permitted; right protected.

1 (a) The Legislature finds that breast feeding is an impor-
2 tant, basic act of nurturing that should be protected in the
3 interests of maternal and child health.

4 (b) Notwithstanding any provision of this code to the
5 contrary, a mother may breast feed a child in any location,
6 public or private, where the mother and child are otherwise
7 authorized to be: *Provided*, That nothing in this section shall
8 be construed to allow any person to nurse within the secure
9 confines, including visitation areas, of a jail, prison, juvenile
10 center or detention facility unless such a person is an inmate
11 or resident of such facility and is nursing in a place so
12 designated by the warden or administrator.

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