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HOUSE BILL 1213

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Costa, McDonald, Radcliff, Mason, Lantz, Lambert, Kenney, Cody, Dickerson, Scott, Regala, Kastama, Constantine, Sheahan, Blalock, Hatfield, Kessler, Tokuda, Voloria, Backlund, O'Brien, Conway, Chopp, Sheldon, Anderson, Murray, Morris, Ogden, Cooper, Mastin and Butler

Read first time 01/17/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to breast-feeding; amending RCW 9A.88.010; adding  
2 a new section to chapter 49.60 RCW; creating a new section; and  
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9A.88.010 and 1990 c 3 s 904 are each amended to read  
6 as follows:

7 (1) A person is guilty of indecent exposure if he intentionally  
8 makes any open and obscene exposure of his person or the person of  
9 another knowing that such conduct is likely to cause reasonable affront  
10 or alarm. The act of breast-feeding a baby is not indecent exposure as  
11 defined under this section, regardless of whether or not the nipple of  
12 the woman's breast is covered during or incidental to breast-feeding.

13 (2) Indecent exposure is a misdemeanor unless such person exposes  
14 himself to a person under the age of fourteen years in which case  
15 indecent exposure is a gross misdemeanor on the first offense and, if  
16 such person has previously been convicted under this subsection or of  
17 a sex offense as defined in RCW 9.94A.030, then such person is guilty  
18 of a class C felony punishable under chapter 9A.20 RCW.

1        NEW SECTION.    **Sec. 2.**    The legislature finds and declares that the  
2 surgeon general of the United States recommends that babies from birth  
3 to one year of age be breast-fed in order for the baby to attain an  
4 optimal healthy start in life, unless breast-feeding in particular  
5 cases is medically contraindicated.    Despite this recommendation,  
6 statistics show that a declining percentage of mothers choose to  
7 breast-feed their babies.    Nearly half of all new mothers are now  
8 choosing formula over breast-feeding before they even leave the  
9 hospital.    Only twenty percent of those mothers are still breast-  
10 feeding when their babies are six months old, and only six percent are  
11 still breast-feeding when their babies are one year old.

12        The legislature further finds and declares studies show that breast  
13 milk offers a baby better nutrition, immunity, and digestion, and may  
14 raise a baby's IQ.    Furthermore, it is believed that breast-feeding  
15 increases the bonding between mother and baby.    However, social  
16 constraints of modern society may militate against the choice of  
17 breast-feeding and lead new mothers to opt for formula feeding.  
18 Mothers may choose not to breast-feed for reasons such as embarrassment  
19 or the fear of social ostracism or criminal prosecution.

20        The legislature finds and declares ending the embarrassment and  
21 fear women experience with the subject of breast-feeding will promote  
22 family values and infant health.    Public acceptance of this most basic  
23 act of nurture between mother and baby should be encouraged, and no  
24 mother should be made to feel incriminated or socially ostracized for  
25 breast-feeding her baby.

26        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 49.60 RCW  
27 to read as follows:

28        (1) Notwithstanding any other provision of law, a woman may breast-  
29 feed a baby in any location, public or private, where the woman is  
30 otherwise authorized to be, irrespective of whether or not the nipple  
31 of the woman's breast is covered during or incidental to the breast-  
32 feeding.

33        (2) It is an unfair practice for a person to discriminate against  
34 or refuse to admit or serve a woman in a place of public resort,  
35 accommodation, assemblage, or amusement because she is breast-feeding  
36 her baby.

37        (3) In addition to any other remedy provided in this chapter, a  
38 person who has violated subsection (2) of this section may be subject

1 to a civil penalty of up to one thousand dollars. All civil penalties  
2 recovered under this section shall be paid into the state treasury and  
3 credited to the general fund.

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