

Chapter

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

In the Year Two Thousand and Eight

AN ACT TO PROMOTE BREASTFEEDING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Chapter 111 of the General Laws is hereby amended by adding the following section:-

Section 221. (a) 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.

(b) 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.

(c) 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.

(d) The attorney general may bring a civil action for equitable relief to restrain or prevent a violation of subsection (c).

(e) A civil action may be brought under this section by a mother subjected to a violation of subsection (c). In any such action, the court may: (i) award actual damages in an amount not to exceed \$500; (ii) enter an order to restrain such unlawful conduct; and (iii) award reasonable attorney fees.

(f) A place of religious instruction or worship shall not be subject to this section.

House of Representatives, December , 2008.

Passed to be enacted, , Speaker.

In Senate, December , 2008.

Passed to be enacted, , President.

, 2008.

Approved,

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Governor.

UNSIGNED COPY