

## 1 SENATE BILL NO. 398

2 INTRODUCED BY J. BOHLINGER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROTECTING THE RIGHT OF A MOTHER TO NURSE HER CHILD  
5 IN PUBLIC; PROHIBITING A UNIT OF LOCAL GOVERNMENT FROM ADOPTING AN ORDINANCE  
6 PROHIBITING BREASTFEEDING IN PUBLIC; AND PROVIDING THAT BREASTFEEDING MAY NOT BE  
7 CONSIDERED A NUISANCE, INDECENT EXPOSURE, SEXUAL CONDUCT, OR OBSCENITY."

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9 WHEREAS, there are benefits to the child, the mother, and society by encouraging and enabling mothers  
10 to breastfeed their children; and

11 WHEREAS, an infant who is breast-fed receives protection against infection, illness, and allergies and  
12 long-term positive effects on the development, intelligence, and health of breast-fed children have been found;  
13 and

14 WHEREAS, a protective effect against various types of cancer and greater emotional and physical health  
15 are found for mothers who breastfeed; and

16 WHEREAS, breastfeeding promotes sufficient birth spacing, improved vaccine effectiveness, and  
17 decreased food and medical expenses, which all have positive societal effects;

18 WHEREAS, the Montana Supplemental Nutrition Program for Women, Infants, and Children (WIC)  
19 promotes breastfeeding education and support; and

20 WHEREAS, legislation to clarify the right to breastfeed is necessary to promote breastfeeding by mothers  
21 and remove any stumbling block from influencing a mother's decision to breastfeed or continue breastfeeding out  
22 of fear of reprisal.

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24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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26 **NEW SECTION. Section 1. Nursing mother and infant protection.** (1) The Montana legislature finds  
27 that breastfeeding a baby is an important and basic act of nurturing that must be protected in the interests of  
28 maternal and child health and family values. A mother has a right to breastfeed the mother's child in any location,  
29 public or private, where the mother and child are otherwise authorized to be present, irrespective of whether or  
30 not the mother's breast is covered during or incidental to the breastfeeding.

1 (2) A unit of local government may not prohibit breastfeeding in public by local ordinance.

2 (3) The act of breastfeeding may not be considered:

3 (a) a nuisance as provided in Title 27, chapter 30;

4 (b) indecent exposure as provided for in 45-5-504;

5 (c) sexual conduct as defined in 45-5-620(1)(f); or

6 (d) obscenity as provided for in 45-8-201.

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8 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an

9 integral part of Title 50, chapter 19, and the provisions of Title 50, chapter 19, apply to [section 1].

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