

HOUSE No. 5177

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, December 22, 2008.

The committee on Ways and Means, to whom was referred the Bill to promote breastfeeding (Senate, No. 2438), reports that the same ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5177.

For the committee,

ROBERT A. DELEO.

Text of an amendment recommended by the committee on Ways and Means to the Senate Bill to promote breastfeeding (Senate, No. 2438).
December 22, 2008.

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

1 By striking out all after the enacting clause and inserting in
2 place thereof the following:

3 “SECTION 1. Chapter 111 of the General Laws is hereby
4 amended by inserting at the end thereof the following section:—

5 Section 221. (a) A mother may breastfeed her child in any
6 public place or establishment or place which is open to and
7 accepts or solicits the patronage of the general public and where
8 the mother and her child may otherwise lawfully be present.

9 (b) Notwithstanding any general or special law to the contrary,
10 the act of a mother breastfeeding her child, and any exposure of a
11 breast incidental thereto that is solely for the purpose of nursing
12 such child, shall not be considered lewd, indecent, immoral, or
13 unlawful conduct.

14 (c) No person or entity, including a governmental entity, shall
15 restrict, harass or penalize a mother who is breastfeeding her child
16 with the intent to violate her right under subsection (a).

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

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

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