

HOUSE BILL NO. HB0105

Breastfeeding protections.

Sponsored by: Representative(s) Davison, Gilmore, Harvey and Warren and Senator(s) Aullman

A BILL

for

1 AN ACT relating to breastfeeding; exempting breastfeeding
2 from the indecent exposure statute; allowing breastfeeding
3 mothers to be excused from jury duty; providing for a
4 breastfeeding mother friendly workplace; providing for the
5 protection of breastfeeding mothers who are incarcerated;
6 providing for education on the benefits of breastfeeding;
7 providing for criminal penalties for interfering with
8 breastfeeding; and providing for an effective date.

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10 *Be It Enacted by the Legislature of the State of Wyoming:*

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12 **Section 1.** W.S. 6-4-407 and 7-13-110 are created to
13 read:

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15 **6-4-407. Interference with breastfeeding.**

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1 Any person who intentionally interferes with a mother
2 breastfeeding her child in a location where the mother is
3 lawfully present is guilty of a misdemeanor and, upon
4 conviction, shall be punished by imprisonment for not more
5 than six (6) months, a fine of not more than seven hundred
6 fifty dollars (\$750.00), or both.

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8 **7-13-110. Care for infant children while mother is**
9 **incarcerated.**

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11 (a) If any woman, incarcerated in a jail or
12 correctional institution in this state at the time of
13 incarceration is the mother of a breastfeeding child in her
14 care under one (1) year of age, or while incarcerated gives
15 birth to a child who she will breastfeed, the child may
16 accompany her to the jail or correctional institution if
17 the mother is physically and mentally fit to have the care
18 of the child, until the child reaches one (1) year of age.

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20 (b) The chief medical officer of the jail or
21 correctional institution in which the breastfeeding mother
22 is incarcerated shall determine whether the inmate is
23 physically and mentally fit to care for the child while

1 incarcerated. The determination of the chief medical
2 officer shall be final.

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4 **Section 2.** W.S. 1-11-104, 6-4-201 by creating a new
5 subsection (b) and by renumbering (b) as (c), 21-9-101 by
6 creating a new subsection (h) and 27-9-105(a) by creating a
7 new paragraph (v) are amended to read:

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9 **1-11-104. Causes for excusal.**

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11 A juror may not be excused for a trivial cause or for
12 hardship or inconvenience to his business, but only when
13 material injury or destruction to his property or property
14 entrusted to him is threatened, or when his health or the
15 sickness or death of a member of his family requires his
16 absence. A person may be excused at his request if he is
17 over seventy-two (72) years of age. A person may be excused
18 from jury duty when the care of that person's young
19 children requires his absence. A woman who is breastfeeding
20 her infant child may be excused from jury duty. Any person
21 who has served on a jury shall, upon request, be excused
22 from further jury service in that court for the remainder
23 of that jury term and in the discretion of the court may be
24 excused from jury service for the following jury term.

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6-4-201. Public indecency; exception; penalties.

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(b) The act of breastfeeding an infant child, including breastfeeding in any place where the woman may legally be, does not constitute public indecency.

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27-9-105. Discriminatory and unfair employment practices enumerated; limitations.

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2 (a) It is a discriminatory or unfair employment
3 practice:

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5 (v) For an employer to fail to provide:

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7 (A) A flexible work schedule for a
8 breastfeeding mother, including scheduling fifteen (15)
9 minute breaks every two (2) hours for breastfeeding or the
10 expression of breast milk;

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12 (B) A convenient, sanitary, safe and
13 private location, other than a restroom, allowing privacy
14 for breastfeeding or the expression of breast milk;

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16 (C) Access to a clean, safe water source
17 and a sink for washing hands and rinsing of breast-pumping
18 equipment;

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20 (D) A convenient hygienic refrigerator in
21 the workplace for the mother's breast milk.

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1 **Section 3.** This act is effective July 1, 2007.

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(END)