

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 82**

6 (By Senators Foster, Stollings, Beach, Klempa and Plymale)

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8 [Originating in the Committee on the Judiciary;  
9 reported February 28, 2011.]  
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13 A BILL to amend the Code of West Virginia, 1931, as amended, by  
14 adding thereto a new section, designated §16-1-19, relating to  
15 a child's right to nurse; and stating that a child may be  
16 breast fed in any location where the woman and child have a  
17 right to be.

18 *Be it enacted by the Legislature of West Virginia:*

19 That the Code of West Virginia, 1931, as amended, be amended  
20 by adding thereto a new section, designated §16-1-19, to read as  
21 follows:

22 **ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.**

23 **§16-1-19. Child's right to nurse; locations where permitted; right**  
24 **protected.**

25 (a) The Legislature finds that breast feeding is an important,

1 basic act of nurturing that should be protected in the interests of  
2 maternal and child health.

3 (b) Notwithstanding any provision of this code to the  
4 contrary, a mother may breast feed a child in any location, public  
5 or private, where the mother and child are otherwise authorized to  
6 be: *Provided*, That nothing in this section shall be construed to  
7 allow any person to nurse within the secure confines, including  
8 visitation areas, of a jail, prison, juvenile center or detention  
9 facility unless such a person is an inmate or resident of such  
10 facility and is nursing in a place so designated by the warden or  
11 administrator.

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(NOTE: This section is new; therefore, strike-throughs and underscoring have been omitted.)