

AMENDED IN ASSEMBLY MAY 9, 1995
AMENDED IN ASSEMBLY APRIL 20, 1995
AMENDED IN ASSEMBLY MARCH 21, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 157

**Introduced by Assembly Members Villaraigosa and Speier
(Coauthors: Assembly Members Davis, Escutia, Kuehl,
Mazzoni, and McDonald)**

January 18, 1995

An act to add Section 43.3 to the Civil Code, relating to personal rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 157, as amended, Villaraigosa. Personal rights: breastfeeding.

Existing law guarantees certain personal rights, including the right to privacy.

This bill would authorize a mother to breastfeed her ~~child~~ *infant* in any location where she and her ~~child~~ *infant* are otherwise authorized to be present.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 43.3 is added to the Civil Code,
2 to read:

1 (a) The Legislature finds and declares all of the
2 following:

3 (1) The Surgeon General of the United States and the
4 American Academy of Pediatrics recommend that babies
5 from birth to at least one year of age be breastfed unless
6 medically contraindicated, in order to attain an optimal,
7 healthy start in life.

8 (2) The World Health Organization recommends that
9 all infants should be fed exclusively on breast milk from
10 birth to six months of age and that children should
11 continue to be breastfed while receiving appropriate and
12 adequate complementary foods for up to two years of age
13 or beyond.

14 (3) Despite these recommendations, statistics reveal a
15 declining percentage of mothers who are choosing to
16 breastfeed.

17 (4) Nearly one-half of all new mothers are now
18 choosing formula over breastfeeding before they even
19 leave the hospital, only 20 percent are still breastfeeding
20 when their babies are six months old, and only 6 percent
21 are still breastfeeding when their babies are one year old.

22 (5) In California, although nearly 73 percent of new
23 mothers are initiating breastfeeding, less than one-third
24 of these babies are still breastfed at six months of age.

25 (6) Breastfeeding provides significant health benefits
26 to both the mother and child. Breastfeeding provides
27 maternal protection from breast cancer, osteoporosis,
28 urinary tract infections, and other cancers. Studies now
29 show that children who are breastfed show lower rates of
30 death, meningitis, childhood leukemia and other cancers,
31 diabetes, respiratory illnesses, bacterial and viral
32 infections, diarrheal diseases, otitis media, allergies,
33 obesity, and developmental delays. Breastfeeding may
34 raise a child's intelligence quotient and promotes
35 mother-baby bonding.

36 (7) The social constraints of modern society militate
37 against the choice of breastfeeding and lead new mothers
38 with demanding time schedules to opt for formula
39 feeding for reasons that include embarrassment and the
40 fear of social ostracism or criminal prosecution.



1 (8) The promotion of ~~family values~~ and *good* child
2 health ~~demand~~ *demands* putting an end to the vicious
3 cycle of embarrassment and ignorance that constricts
4 women and men alike on the subject of breastfeeding,
5 and represents cultural hostility to mothers and children
6 that is based on archaic and outdated moral taboos.

7 ~~(9) Any genuine promotion of family values should~~
8 ~~encourage public acceptance of this most basic nurturing~~
9 ~~act, and no~~

10 (9) *No* mother should be made to feel incriminated or
11 socially ostracized for breastfeeding her child.

12 (10) Breastfeeding is an important and basic natural
13 act that must be encouraged in the interests of maternal
14 and child health ~~and family values~~.

15 (b) Notwithstanding any other provision of law, a
16 mother may breastfeed her ~~child~~ *infant* in any location,
17 public or private, where the mother and ~~child~~ *infant* are
18 otherwise authorized to be present.

19 (c) It is the intent of this section to protect the right of
20 a woman to breastfeed. This section is not intended to
21 encourage frivolous litigation.

