



California Women's Law Center Settles Case of California Woman Not Allowed to Breastfeed at Las Vegas Casino

The California Women's Law Center and Treasure Island Hotel - Casino in Las Vegas have agreed to resolve a disagreement about a woman's right to breastfeed in public. The issue arose on the afternoon of December 4, 2001, as Amy Howley was having lunch with her husband and infant daughter Gracie at Treasure Island. Ms. Howley was breastfeeding Gracie when restaurant staff requested that she "go somewhere more private."

After a few hours of discussing the issue with Treasure Island staff, the Howleys finally left the premises without resolving the matter. They contacted the California Women's Law Center (CWLC) upon returning to their home in Santa Cruz, California.

"Treasure Island staff were not aware of a woman's right to breastfeed in public and of Nevada's specific laws addressing this right. Las Vegas attracts families from all over the United States, especially from California, and it is imperative that casino staff know about nursing mothers' rights," said Nancy Solomon, Senior Staff Attorney at the CWLC.

"This entire matter resulted from a simple misunderstanding," said Jennifer Michaels, Vice President of Public Relations for Treasure Island. "Treasure Island has never had a policy prohibiting or restricting breastfeeding in any way. We will now simply re-enforce that policy in future training for all employees," Ms. Michaels said.

Nowhere in the United States is it illegal for a woman to breastfeed in public. Many states, including Nevada, have laws explicitly protecting this right. In 1995, the Nevada legislature passed legislation stating:

Notwithstanding any other provision of law, a mother may breast feed her child in any public or private location where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast feeding. *Nev. Rev. Stat. §201.232.*

Nevada law also makes clear that breastfeeding a child in public does not violate Nevada's laws against lewdness or indecent or obscene exposure. *Nev. Rev. Stat. §§201.210, 201.220.*

As part of the agreement, Treasure Island Hotel and Casino issued an apology to the Howleys and agreed to: (1) post notices in all employee common areas explaining the rights of nursing mothers, and (2) train employees on the rights of nursing mothers in the course of normal training provided to new and current employees.

“Treasure Island and all of our casinos respect the rights of nursing mothers and will ensure that all employees are reminded about Nevada laws protecting the right to breastfeed in public,” said Ms. Michaels.

The CWLC and Ms. Howley are pleased with Treasure Island’s response and call on other employers to follow their lead by educating their employees about the rights of nursing mothers. “We regularly hear from mothers who have been harassed for breastfeeding their children. The fear of being told that they must ‘cover up’ or go somewhere ‘more private,’ causes many mothers to stop breastfeeding, or never even begin,” explained Ms. Solomon.

The Las Vegas case is only one of a number of recent incidents in which nursing mothers have had their rights infringed.

- In April 1999, CWLC sued Borders Bookstore after an employee asked a patron not to breastfeed in public. Borders settled the case and agreed to educate their employees on a woman’s right to breastfeed in public.
- In early 2001, an employee at a restaurant in Southern California asked a mother to stop breastfeeding at her table “because she was violating health codes.” The CWLC intervened, and the restaurant apologized and revised its policies to inform employees of a woman’s right to breastfeed in public.
- In June 2001, a woman in San Mateo, California, was asked by an employee to stop breastfeeding at a public pool. She was told that her actions violated public health codes and constituted indecent exposure and nudity. Pool staff later informed her that they were afraid her breastmilk “might infect the pool water.” The government settled the case and public pool employees are now properly trained as to a woman’s right to breastfeed in public.
- In February 2002, on an American Airlines flight, a mother was told that if she wanted to nurse her child, she would need to put a blanket over her and her baby. The CWLC intervened and American Airlines clarified that it was not their policy to disallow mothers from breastfeeding on flights.

In addition to improving bonding between mothers and their children, breastfeeding offers significant health benefits for the babies. Children who are breastfed have lower rates of meningitis, childhood leukemia and other cancers, diabetes, respiratory illnesses, bacterial and viral infections, diarrheal diseases, allergies, and obesity. The American Academy of Pediatrics recommends that breastfeeding continue for at least 12 months. In May 2002, the American Medical Association urged all states to pass laws that explicitly protect the right of a mother to breastfeed in public.