



## ***BREASTFEEDING IN PUBLIC IS NOT A CRIME KNOW YOUR RIGHTS***

**If the manager of a restaurant tells you there is a health code against breastfeeding in a restaurant and asks you to stop or a store clerk asks you to breastfeed in the bathroom . . . he or she is breaking the law. Breastfeeding is not something you have to keep private or hidden. It is a medically recommended option for mothers, and you have the right to do it anywhere you are allowed to be with your baby.**

---

### **California law clearly states:**

**“Notwithstanding any other provision of law, a mother may breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and the child are otherwise authorized to be present.”<sup>1</sup>**

**Even in states with no breastfeeding legislation, it is not illegal for a woman to breastfeed in public. Laws specifically allowing breastfeeding in public were meant to clarify existing law and not to create new rights. Alongside state guarantees, federal law ensures the right of a woman to breastfeed anywhere on federal property that she and her child have a right to be.<sup>2</sup>**

### **Expressing Breast Milk at Work**

**On January 1, 2002, a new California law went into effect that requires employers to provide time and space for employees to express breast milk at work. Specifically, the law states:**

**“Every employer, including the state and any political subdivision, shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee’s infant child.”<sup>3</sup>**

**And:**

**“The employer shall make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee’s work area, for the employee to express milk in private.”<sup>4</sup>**

**Contact the California Women’s Law Center for more information or if you believe your rights have been violated: (323) 951-1041. Visit our website at: [www.cwlc.org](http://www.cwlc.org).**

---

<sup>1</sup> Cal. Civil Code §43.3

<sup>2</sup> 107 P.L. 67 § 631

<sup>3</sup> Cal. Labor Code §1030

<sup>4</sup> Cal. Labor Code §1031