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## HEALTH General Provisions: Breast-feeding of Babies in Public Places

Natalee Drummond

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## HEALTH

### *General Provisions: Breast-feeding of Babies in Public Places*

CODE SECTIONS:	O.C.G.A. § 31-1-9 (amended)
BILL NUMBER:	SB 221
ACT NUMBER:	922
GEORGIA LAWS:	2002 Ga. Laws 1139
SUMMARY:	This Act strikes the requirement for mothers to be “discreet and modest” while breast-feeding in public. Mothers may now breast-feed their babies in any location where the mother and baby are authorized to be, without regard to the “vague and undefined” “moderate and discreet” standard.
EFFECTIVE DATE:	July 1, 2002

#### *History*

In 1999, the Georgia Legislature determined that breast-feeding a baby is “an important and basic act of nurture to which every baby has a right and which act must be encouraged in the interests of maternal and child health and family values.”<sup>1</sup> That year, the Senate passed SB 29 to protect mothers and their children while breast-feeding in public.<sup>2</sup> The Act allowed mothers to breast-feed in public as long as they did so in a “moderate and discreet” manner.<sup>3</sup>

Since the passage of the Act in 1999, six women have reported discrimination in public places because a proprietor stated that the women were not acting in a “discreet and moderate” way.<sup>4</sup> Mothers, while breast-feeding, were given the option of leaving the premises or breast-feeding in bathrooms, which may sometimes be unsanitary.<sup>5</sup> According to Senator Donzella James of the 35th District, these six

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1. O.C.G.A. § 31-1-9 (1999).  
 2. Audio Recording of Senate Proceedings, Feb. 6, 2001 (remarks by Sen. Donzella James), at <http://www.state.ga.us/services/leg/audio/2002archive.html> .  
 3. O.C.G.A. § 31-1-9 (1999).  
 4. Audio Recording of Senate Proceedings, Feb. 6, 2001 (remarks by Sen. Donzella James), at <http://www.state.ga.us/services/leg/audio/2002archive.html> .  
 5. *Id.*

incidents were reported because the mothers were almost arrested.<sup>6</sup> Senator James thought that there were probably many more instances that have gone unreported.<sup>7</sup> Therefore, striking the “modest and discreet” language from the Act clears up “misinterpretation by many agencies and public places” as to the meaning of the “moderate and discreet” standard and brings Georgia’s laws regarding breast-feeding in public in line with that of 36 other states.<sup>8</sup>

### *SB 221*

#### *Introduction*

Senators Donzella James, Horacena Tate, and Peg Blich of the 35th, 38th, and 7th Senate Districts respectively, sponsored SB 221.<sup>9</sup> The bill was introduced in the Senate on February 21, 2001.<sup>10</sup> The Senate assigned the bill to its Health and Human Services Committee, which favorably reported the bill as introduced.<sup>11</sup> The Senate passed the bill on March 6, 2001.

The House assigned SB 221 to its Health and Ecology Committee, which favorably reported the bill on March 14, 2001.<sup>12</sup> The House adopted the Health and Ecology Committee substitute, along with a floor amendment, and passed the bill on February 4, 2002.<sup>13</sup> The Senate agreed to the House version of the bill on February 7, 2002.<sup>14</sup>

#### *Consideration by the Senate*

The Senate passed SB 221 on March 6, 2001.<sup>15</sup> Senator Chuck Schied of the 17th District proposed an amendment to keep the

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6. *Id.*

7. *Id.*

8. *Id.*

9. State of Georgia Final Composite Status Sheet, SB 221, Apr. 12, 2002.

10. *Id.*

11. *Id.*

12. *Id.*

13. *Id.*

14. *Id.*

15. State of Georgia Final Composite Status Sheet, SB 221, Apr. 12, 2002.

“modest and discreet” language in the bill.<sup>16</sup> However, the Senate struck down that amendment.<sup>17</sup>

### *Consideration by the House*

The House passed SB 221 on February 4, 2002 after adopting a floor substitute.<sup>18</sup> House Speaker Thomas Murphy proposed a floor amendment to the bill that changed language in the act from “a mother may breast-feed her baby in any location, where the mother is otherwise authorized to be” to “a mother may breast-feed her baby in any location where the mother and baby are otherwise authorized to be.”<sup>19</sup> The “and baby” language was added in response to Representative David Lucas’ concerns that the language in SB 221 permitted a mother to breast-feed a baby in an area where the baby was not permitted to be.<sup>20</sup> The Senate agreed to the House amendment on February 7, 2002.<sup>21</sup>

### *The Act*

SB 221 amends Code section 31-1-9 by striking the language in the code that requires mothers to act in a “discreet and modest way” when breast-feeding.<sup>22</sup>

### *Opposition to SB 221*

Opposition to the bill came from Senator Chuck Schied of the 17th District.<sup>23</sup> While making it clear that he was not opposed to public breast-feeding, Senator Schied pointed out that the Senate had previously spent a long period of time establishing the “discreet and

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16. Audio Recording of Senate Proceedings, Feb. 6, 2002 (remarks by Sen. Chuck Schied), at <http://www.state.ga.us/services/leg/audio/2002archive.html>

17. *Id.*

18. State of Georgia Final Composite Status Sheet, SB 221, Apr. 12, 2002.

19. Audio Recording of Senate Proceedings, Feb. 2, 2002 (remarks by Rep. Tom Murphy), at <http://www.state.ga.us/services/leg/audio/2002archive.html>

20. *Id.*

21. *Id.*

22. Compare 1999 Ga. Laws 304, § 1, at 464 (formerly found at O.C.G.A. 31-1-9) with O.C.G.A. §31-1-9 (Supp. 2002).

23. Audio Recording of Senate Proceedings, Apr. 12, 2002 (remarks by Sen. Chuck Schied), at <http://www.state.ga.us/services/leg/audio/2002archive.html>

modest” language to avoid skirting public indecency laws.<sup>24</sup> Senator Schied was particularly concerned with the effect the law would have on the rights of business owners.<sup>25</sup> Schied was concerned that a business owner would not legally be able to have a person removed from his or her property, even if customers were leaving the premises in response to an inappropriate act of exhibitionism by a breast-feeding mother.<sup>26</sup> “We need to be very careful here that we don’t open the door for exhibitionists and a lot of people just to do whatever they please and it have an impact on our business,” said Schied.<sup>27</sup>

*Natalee Drummond*

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24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*