

(H. B. 237)

(No. 17)

(Approved June 3, 2005)

AN ACT

To add subsection (4) to Section 1A of Act No. 168 of May 4, 1949, as amended, in order to establish and reaffirm the right of all mothers to breastfeed their children in any area in shopping centers, ports, airports, government centers of public service, and in any place of public access regardless of whether these places have areas designated for breastfeeding.

STATEMENT OF MOTIVES

Act No. 168 of May 4, 1949, as amended, directs certain shopping centers, ports, airports and government centers of public service to have accessible areas designed for breastfeeding and diaper changing for infants.

With respect to breastfeeding, this legislation seeks to address the existing reality of the natural right of a mother to breastfeed her babies. This right and responsibility is so broad and significant that it is imperative to further extend the scope of the laws in effect to protect and encourage breastfeeding.

In the first place, it is a reality that many places have not complied with the letter of the law. As to these places of public access, this new legislation establishes that breastfeeding mothers may nurse their children in any accessible place they deems pertinent within said facilities, without being interrupted or dismissed from the area for such action.

In the second place, even when there is an area designated therefor, the purpose of this Legislature is to establish that such areas are optional for

breastfeeding mothers, since they can nurse their babies in alternate places either for being of their preference or by need, such as seats, halls, even inside a store. This is so, because the act of breastfeeding can not be construed as indecent or criminal behavior. Likewise, it may be the case that the designated breastfeeding area in a shopping center is too far away for the breastfeeding mother and her child with respect to the place where they are located. In summary, the fact that an area is designated for breastfeeding shall never be construed to constrain or limit the breastfeeding mother from nursing elsewhere.

Furthermore, there are places of public access not included in the amended law, in which the right of a mother to breastfeed in public is recognized and reaffirmed.

In view of the fact that in the very 21st Century some public areas of both the private sector and the government intend to penalize or prevent the vital act of breastfeeding, the Legislature of Puerto Rico hereby establishes and reaffirms the right of every breastfeeding mother to nurse their children in any area of a shopping center, port, airport, and government centers of public service, regardless of whether or not these places are designated for breastfeeding, as directed by this Act.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsection 4 is hereby added to Section 1A of Act No. 168 of May 4, 1949, as amended, to read as follows:

“(1) ...

(4) Establishing and reaffirming that every breastfeeding mother has the right to nurse her children in any place of public access, whether or not in these places are areas designated for breastfeeding.”

Section 2.- The Regulations and Permits Administration shall implement the administrative mechanism needed to guarantee compliance with this Act, including but without it being limited to amending any germane regulations.

Section 3.- Any violation of the norms provided in this Act shall constitute a misdemeanor, which shall entail imprisonment for a term not to exceed six (6) months or a fine not to exceed five (5,000) thousand dollars.

Section 4.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 17 (H.B. 237) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to add subsection (4) to Section 1A of Act No. 168 of May 4, 1949, as amended, in order to establish and reaffirm the right of all mothers to breastfeed their children in any area in shopping centers, ports, airports, government centers of public service, and in any place of public access regardless of whether these places have areas designated for breastfeeding,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 1st of December of 2005.

Francisco J. Domenech
Director