If you have a question or concern please email vabreastfeeds@vdh.virginia.gov

Mothers Have A Legal Right To Breastfeed In Public

Right To Breastfeed Legal Language: Enacted in 2015, Va. Code § 32.1-370 states in relevant part, “A mother may breastfeed in any place where the mother is lawfully present…”

What This Law Means For Your Business

• Mothers can breastfeed where they are otherwise permitted to be, such as: retail establishments, restaurants, childcare centers, faith based organizations, medical facilities, public buildings, athletic and entertainment centers.
• You may not ask a breastfeeding mother:
  • To leave
  • To move
  • To stop breastfeeding
• Mothers may use nursing rooms at their discretion

Breastfeeding Is Not Indecent Exposure Under The Law

Exemption From Indecent Exposure Legal Language: Va. Code § 18.2-387 which establishes that indecent exposure in public spaces is forbidden states in relevant part, “No person shall be deemed to be in violation of this section for breastfeeding a child in any public place or any place where others are present.”

What This Law Means For Your Business

• Breastfeeding in public is not considered indecent exposure

Violations May Be Subject To The Following Penalties (Under Va. Code § 32.1-27)

• **Guilty of a Class 1 misdemeanor** (Which is punishable by a jail term of up to 12 months, a fine of up to $2,500, or both [see Va. Code § 18.2-11]. Only the state or local prosecutor’s office can seek to charge a violator with a criminal misdemeanor violation of the law.)
• **Subject to a civil lawsuit** (Brought by the State Board or Commissioner of Health, in which violators can be ordered to comply with the law. If a person fails to obey a court order to comply with the law, the person could potentially be subject to a civil money penalty of up to $25,000 per violation. This civil penalty can only be sought in a lawsuit brought by the State Board or Commissioner of Health, and any penalty money is paid into the state general fund.)

Businesses Should Ensure Employees Are Aware of the Law

Ensuring Employees Are Aware of the Law Reduces a Business’s Legal Liability

• Educate employees on the legal rights of breastfeeding mothers
• Posting of Breastfeeding Welcome Here signage is encouraged

*This fact sheet developed in collaboration with Old Dominion School of Nursing & CINCH/Eastern Virginia Medical School*