

VA Breastfeeding Law Overview for Businesses



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