

ORDINANCE NO. _____

**ORDINANCE AMENDING WHATCOM COUNTY CODE 9.08.020 UNLAWFUL EXPOSURE
TO INCLUDE AN EXCEPTION FOR BREASTFEEDING**

WHEREAS, the American Academy of Pediatrics recommends that all babies, with rare exceptions, be breastfed and/or receive expressed human milk exclusively for the first six months of life; and

WHEREAS, the American Academy of Pediatrics recommends continuing breastfeeding with the addition of complimentary foods through the second half of the first year and beyond as long as mutually desired between parent and baby; and

WHEREAS, the Revised Code of Washington 9A.88.010 states that the act of breastfeeding or expressing breast milk is not indecent exposure; and

WHEREAS, the Revised Code of Washington 49.60.30(g) establishes the right of a mother to breastfeed her child in any place of public resort, accommodation, assemblage, or amusement; and

WHEREAS, the Revised Code of Washington 49.60.215 provides that it is an unfair practice for any person to discriminate against a mother breastfeeding her child in any such place; and

WHEREAS, the Centers for Disease Control 2020 Breastfeeding Report Card indicated that 92.5% of babies born in Washington State start out breastfeeding, but only 74.6% were still breastfeeding at 6 months, and only 28.9% were exclusively breastfeeding at 6 months; and

WHEREAS, in recognition of the well-documented health advantages, for parent and child, Whatcom County wishes to provide a supportive environment for breastfeeding parents.

1 **NOW, THEREFORE, BE IT ORDAINED** that the Whatcom County Council adopts
2 the above "WHEREAS" recitals as finding of fact in support of its action; and

3
4 **BE IT FINALLY ORDAINED** by the Whatcom County Council that Whatcom County
5 Code 9.08.020 is hereby amended as described in Exhibit A.

6
7
8
9 **ADOPTED** this ____ day of _____, 2021.

10
11
12
13
14 **ATTEST:**

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

15
16
17 _____
18 Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

19
20
21
22 **APPROVED AS TO FORM:**

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

() Approved () Denied

23
24
25
26
27
28 Karen Frakes / by email/ 3/16/2021
29 Civil Deputy Prosecutor

Satpal Sidhu, County Executive

Date Signed: _____

30
31

EXHIBIT A

9.08.020 Unlawful exposure.

It is unlawful for any female to expose or permit public display of her bosom, in the nude or substantially exposed to public view, in any public establishment, except this shall not apply to a parent who is breastfeeding a child.

A parent shall have the right to breastfeed a child in any location, public or private, where the parent has the right to be with their child, without respect to whether the parent's breast or any part of it is uncovered during or incidental to the breastfeeding of the child.