



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2021-184

File ID:	AB2021-184	Version:	1	Status:	Adopted
File Created:	03/16/2021	Entered by:	CHalka@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance Requiring a Public Hearing		
Assigned to:	Council	Final Action:	04/06/2021		
Agenda Date:	04/06/2021	Enactment #:	ORD 2021-017		

Primary Contact Email: chalka@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code 9.08.020 Unlawful Exposure to include an exception for breastfeeding

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance amending Whatcom County Code 9.08.020 Unlawful Exposure to include an exception for breastfeeding

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
03/23/2021	Council	INTRODUCED FOR PUBLIC HEARING	Council
		Aye: 7	Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
		Nay: 0	
		Absent: 0	
04/06/2021	Council	ADOPTED	
		Aye: 7	Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
		Nay: 0	
		Absent: 0	

Attachments: Proposed Ordinance - strike, Proposed Ordinance, Substitute Ordinance for 4.6 - tracked changes, Substitute Ordinance for 4.6

ORDINANCE NO. 2021-017

**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
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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.
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9 **ADOPTED** this 6th day of April, 2021.

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14 **ATTEST:**

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18 Dana Brown-Davis, Clerk of the Council
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22 **APPROVED AS TO FORM:**
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28 Karen Frakes / by phone/ 3/30/2021
29 Civil Deputy Prosecutor
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**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Barry B. Buchanan

Barry Buchanan, Council Chair

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Approved () Denied

Satpal Sidhu

Satpal Sidhu, County Executive

Date Signed: 4/9/21

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 person who is breastfeeding a child.

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