

§1 - Note to §§2,3  
§§2,3 -  
C.26:4B-4 and  
26:4B-5

P.L. 1997, CHAPTER 101, *approved May 19, 1997*  
Senate Substitute (*First Reprint*) for  
Senate, No. 1212 and Assembly, No. 548

1 AN ACT concerning breast feeding <sup>1</sup>[,] and<sup>1</sup> supplementing Title 26 of  
2 the Revised Statutes <sup>1</sup>[and amending N.J.S.2B:20-10]<sup>1</sup>.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. The Legislature finds and declares that: the Surgeon General  
8 of the United States recommends that babies from birth to one year of  
9 age should be breast fed, unless medically contraindicated, in order to  
10 achieve a healthy start on life; breast milk strengthens the immune  
11 system of babies, improves digestion and is of better nutritional value  
12 than regular milk; other benefits include the establishment of a strong  
13 mother-baby bond and a potential increase in a baby's IQ level; despite  
14 the Surgeon General's recommendation, statistics reveal a declining  
15 number of women are choosing to breast feed their children, and  
16 nearly half of all new mothers are now choosing formula over breast  
17 milk even before they leave the hospital; the social constraints of  
18 modern society impede a woman's choice to breast feed due to  
19 embarrassment, fear of criminal prosecution and the lack of public  
20 acceptance; therefore, it is in the best interest of the State to recognize  
21 breast feeding in places of public accommodation as an important right  
22 which must be encouraged in order to promote child health.

23

24 2. Notwithstanding any provision of law to the contrary, a mother  
25 shall be entitled to breast feed her baby in any location of a place of

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate amendments adopted in accordance with Governor's recommendations  
March 24, 1997.

1 public accommodation, resort or amusement wherein the mother is  
2 otherwise permitted.

3  
4 3. a. The <sup>1</sup>[State Department of Health and Senior Services or  
5 the]<sup>1</sup> local board of health or such board, body or officers exercising  
6 the functions of the local board of health according to law, upon  
7 written complaint and having reason to suspect a violation of this act  
8 has occurred shall, by written notification, advise the owner, manager  
9 or other person having control of the public accommodation, resort or  
10 amusement of the initial complaint and of the penalties for any  
11 subsequent complaints. Thereupon, any owner, manager or other  
12 person having control of the public accommodation, resort or  
13 amusement receiving such notice who knowingly fails or refuses to  
14 comply with the provisions of this act is subject to a fine not to exceed  
15 \$25.00 for the first offense following initial notification and not to  
16 exceed \$100.00 for the second offense and not to exceed \$200.00 for  
17 each offense thereafter. <sup>1</sup>When there exists no local board of health or  
18 such board, body or officers having the authority to exercise the  
19 functions of the local board of health according to law in the  
20 municipality in which a violation of this act has allegedly occurred, the  
21 State Department of Health and Senior Services shall exercise the  
22 functions of the local boards of health for purposes of this act.<sup>1</sup>

23 b. Any penalty recovered under the provisions of this act shall be  
24 recovered by and in the name of the Commissioner of Health and  
25 Senior Services or by and in the name of the local board of health.  
26 When the plaintiff is the Commissioner of Health and Senior Services,  
27 the penalty recovered shall be paid by the commissioner into the  
28 treasury of the State. When the plaintiff is a local board of health, the  
29 penalty recovered shall be paid by the local board into the treasury of  
30 the municipality where the violation occurred.

31 c. Every municipal court shall have jurisdiction over proceedings  
32 to enforce and collect any penalty imposed because of a violation of  
33 any provision of this act, if the violation has occurred within the  
34 territorial jurisdiction of the court. The proceedings shall be summary  
35 and in accordance with the "the penalty enforcement law,"  
36 N.J.S.2A:58-1 et seq. Process shall be in the nature of a summons or  
37 warrant and shall issue only at the suit of the Commissioner of Health  
38 and Senior Services, or the local board of health, as the case may be,  
39 as plaintiff.

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41 <sup>1</sup>[4. N.J.S.2B:20-10 is amended to read as follows:

42 2B:20-10. Grounds for excuse from jury service.

43 An excuse from jury service shall be granted only if:

44 a. The prospective juror is 75 years of age or older;

45 b. The prospective juror has served as a juror within the last three  
46 years in the county to which the juror is being summoned;

1 c. Jury service will impose a severe hardship due to circumstances  
2 which are not likely to change within the following year. Severe  
3 hardship includes the following circumstances:

4 (1) The prospective juror has a medical inability to serve which is  
5 verified by a licensed physician.

6 (2) The prospective juror will suffer a severe financial hardship  
7 which will compromise the juror's ability to support himself, herself,  
8 or dependents. In determining whether to excuse the prospective  
9 juror, the Assignment Judge shall consider:

10 (a) the sources of the prospective juror's household income; and

11 (b) the availability and extent of income reimbursement; and

12 (c) the expected length of service.

13 (3) The prospective juror has a personal obligation to care for  
14 another, including a sick, aged or infirm dependent or a minor child,  
15 who requires the prospective juror's personal care and attention, and  
16 no alternative care is available without severe financial hardship on the  
17 prospective juror or the person requiring care.

18 (4) The prospective juror provides highly specialized technical  
19 health care services for which replacement cannot reasonably be  
20 obtained.

21 (5) The prospective juror is a health care worker directly involved  
22 in the care of a mentally or physically handicapped person, and the  
23 prospective juror's continued presence is essential to the regular and  
24 personal treatment of that person.

25 (6) The prospective juror is a member of the full-time instructional  
26 staff of a grammar school or high school, the scheduled jury service is  
27 during the school term, and a replacement cannot reasonably be  
28 obtained. In determining whether to excuse the prospective juror or  
29 grant a deferral of service, the Assignment Judge shall consider:

30 (a) the impact on the school considering the number and function  
31 of teachers called for jury service during the current academic year;  
32 and

33 (b) the special role of certified special education teachers in  
34 providing continuity of instruction to handicapped students;

35 d. The prospective juror is a member of a volunteer fire  
36 department or fire patrol; [or]

37 e. The prospective juror is a volunteer member of a first aid or  
38 rescue squad; or

39 f. The prospective juror is a mother who is breast feeding her  
40 baby.

41 (cf: P.L.1995,c.44,s.1)]<sup>1</sup>

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43 <sup>1</sup>[5.] 4.<sup>1</sup> This act shall take effect immediately.

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3 Permits mothers to breast feed babies in public places; provides for

4 fines.