

## PRESS RELEASE

*For immediate release –*

The City's Governing Body adopted Ordinance No. 2022-07, prohibiting Indecent Exposure in the City of Spring Hill, on April 28, 2022. The Ordinance becomes effective following publication. Over the weekend, a few residents expressed concerns on social media about the ordinance's impact upon mothers breastfeeding their babies. We wish to clear up any misunderstanding, misconception, or misinformation concerning the Indecent Exposure ordinance.

The ordinance does not, and *cannot*, prohibit, limit, or restrict, *in any manner whatsoever*, a mother's right to breastfeed in any place – public or private – in the City of Spring Hill. Mayor Joe Berkey stated: “The City's public policy is the same as the state's – we encourage and support a mother's decision to breastfeed. A mother may nurse her baby in any place she has a right to be.”

Mayor Berkey directed F. Charles Dunlay, City Attorney, to issue an opinion concerning the Indecent Exposure ordinance and a mother's right to breastfeed her child. Mr. Dunlay wrote:

The Indecent Exposure ordinance in no way prohibits or restricts a mother's right to breastfeed. Uniformly applicable Kansas law, specifically K.S.A. 65-1,248(b), unequivocally states, “[a] mother may breastfeed in any place she has a right to be.” Moreover, the under the American Care Act (ACA) and Fair Labor Standard Act, the federal government requires employers to permit mothers time to nurse or pump breast milk in the workplace. I would further assert that both the decision to breastfeed and nursing itself are fundamental liberties under the Constitution. In any case, I drafted and presented the ordinance, which the City Council unanimously adopted, with the knowledge that state and federal law protect a mother's right to breastfeed. I am confident the Mayor and City Council Members also understood the law. The ordinance is subordinate to both Kansas' statute and the ACA. The ordinance does not and cannot infringe upon a mother's *right* to breastfeed in any place, public or private, where she is entitled to be. Some cities in Kansas who adopted ordinances prohibiting Indecent Exposure years ago – prior to the state's enactment of K.S.A. 65-1,248 – may have included an exception for nursing mothers in their ordinance which may have led to confusion or misinformation on social media. Similarly, the ordinance does not apply to young children any more than the City's ordinance prohibiting and declaring theft a misdemeanor. Young children are not subject to arrest or citation for violation of municipal ordinances.

Ordinance 2022-07, Indecent Exposure, does not limit, restrict, prevent, or impact, in any way, a mother's right to breastfeed her child. We hope this press release corrects any misunderstanding or misapprehension concerning a mother's right to breastfeed. Please find a copy of K.S.A. 65-1,248 attached for your convenience.