

To use your breastfeeding pocket guide: 1. Cut along outer lines. 2. Fold on gray lines.

## AIR TRAVEL AND BREASTMILK

### Transportation Security Administration (TSA) Regulations

On August 4, 2007, the Transportation Safety Administration (TSA) instituted a new policy for transporting pumped breastmilk in airplane carry-on luggage. Breastmilk may now be carried in any quantity and in no special container, as long as it is declared for inspection at the airport security checkpoint. (The TSA, part of the Homeland Security Administration, was created following September 11, 2001, to enhance security in the US transportation system.)

Since November 2006, an online petition addressed to TSA Assistant Secretary Kip Hawley asking that breastmilk be reclassified as a "life-sustaining fluid" had been signed by more than 5,700 people. In announcing the August 4 policy change, TSA acknowledged that the old policy had caused problems.

"This rule has been a pain for working mothers who pumped breast milk while on a business trip without their child and wanted to carry more than three ounces home with them," said TSA spokesperson Ellen Howe in an Associated Press article. "They had to throw larger amounts in the trash and that was not only wasteful but emotionally charged."<sup>1</sup>

Breastmilk, which the TSA now classifies as a "medical necessity," will be treated by TSA agents as a liquid medication. Under this classification, breastmilk must be presented for visual inspection and may be X-rayed. While the TSA does not now require any particular packaging for breastmilk, it should be carried in a container that allows it to be seen, to avoid agents pouring the breastmilk into another container for inspection.

It is strongly advisable to print out the new breastmilk policy, along with the TSA's policy on liquid medication, from the TSA website and carry them while traveling (go to [www.tsa.gov](http://www.tsa.gov) and search "traveling with children"). If a TSA agent fails to comply with either policy, a traveler can ask to see a supervisor and can fill out an incident report, which should be filed before the traveler has left the airport.

1. Michael J. Sniffen, "Officials Lift Airplane Ban on Lighters," Associated Press (20 July 2007): [http://news.yahoo.com/s/ap\\_travel/20070720/ap\\_tr\\_ge/air\\_travelers\\_lighters](http://news.yahoo.com/s/ap_travel/20070720/ap_tr_ge/air_travelers_lighters).

See [www.tsa.gov/press/releases/2007/press\\_release\\_07202007.shtm](http://www.tsa.gov/press/releases/2007/press_release_07202007.shtm) and [www.tsa.gov/travelers/airtravel/specialneeds/editorial\\_1374.shtm#4](http://www.tsa.gov/travelers/airtravel/specialneeds/editorial_1374.shtm#4) for more information.

—JAKE ARYEH MARCUS

Valid as of 8.17.07; check for updates prior to traveling.

YOUR HANDY POCKET GUIDE TO



## breastfeeding in public in the US

Know your rights  
when nursing in public  
or traveling with breastmilk.

a publication of  
**mothering**  
NATURAL FAMILY LIVING

There are no laws in the US forbidding breastfeeding outside of the home, and only two states in which laws place any limitation on the way in which public breastfeeding may be done. However, in the absence of a law establishing and protecting the right, a woman who breastfeeds in a privately owned place open to the public, such as a restaurant or shopping mall, might lawfully be asked to leave, either by the owner or in accordance with the owner's instructions. Without a law to protect her, a woman breastfeeding in a public place risks removal by the police and potentially (though this is rare) a charge of some form of indecent exposure. A basic maxim of American law is that a right without a remedy is no right at all. This means that although you may have a "right" to do anything not otherwise forbidden by law, if you do not also have a legal protection against someone interfering with that right, your ability to exercise it may be limited.

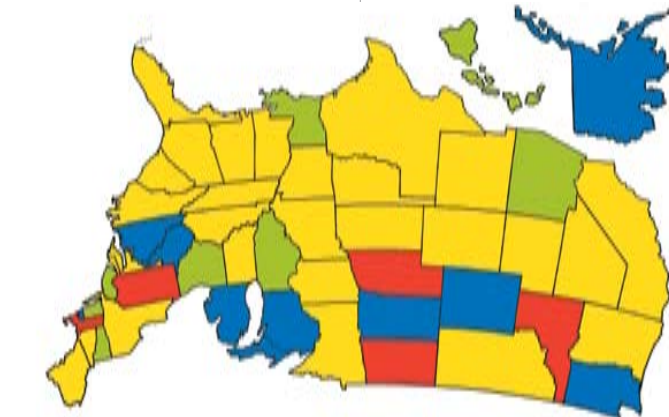
Excerpted from "Lactation and the Law," Mothering, July–August 2007, by Jake Aryeh Marcus. Available online at [www.mothering.com/resources/map.pdf](http://www.mothering.com/resources/map.pdf)

**Check the map to learn your rights.** Because state laws governing breastfeeding change often, check [www.mothering.com/articles/new\\_baby/breastfeeding/lactation-law-map.htm](http://www.mothering.com/articles/new_baby/breastfeeding/lactation-law-map.htm) for updated information. (Data for map provided by Jake Marcus.)

This guide was last updated July 20, 2007.

## What are the breastfeeding laws in your state?

- No law protecting the right to nurse in public
- A law protecting nursing in public but without an enforcement provision
- A law protecting nursing in public with an enforcement provision



Only a law excluding breastfeeding from some criminal charges

**\*Tennessee** law protects breastfeeding in public only of a child 1 year old or younger.

Ohio law has no enforcement provision, but the Ohio Civil Rights Commission has held that breastfeeding discrimination is sexual discrimination.

## about that symbol of the International Breastfeeding Symbol



- To increase public awareness of breastfeeding
  - To designate breastfeeding and family friendly facilities in public
  - To provide an alternative to the use of the symbol of the baby bottle
  - In public places where people stay for extended periods of time; in airports, malls, amusement parks, conferences, convention halls, or expos, for example, to designate a breastfeeding friendly room.
  - In professional offices, retail stores, or restaurants to designate the establishment as breastfeeding friendly.
  - In businesses, to designate a lactation room.
- The symbol is available at [www.mothering.com/breastfeeding/activism.html](http://www.mothering.com/breastfeeding/activism.html).
- To learn more about breastfeeding activism,** go to [www.mothering.com/breastfeeding/activism.html](http://www.mothering.com/breastfeeding/activism.html).