

By: Gámez, Guerra, Garcia of Dallas

H.B. No. 1127

A BILL TO BE ENTITLED

AN ACT

relating to the promotion of breast-feeding and the prohibition against interference with or restriction of the right to breast-feed.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 165.001 and 165.002, Health and Safety Code, are amended to read as follows:

Sec. 165.001. LEGISLATIVE FINDING. The legislature finds that breast-feeding a baby is an important and basic act of nurture that must be encouraged in the interests of maternal and child health and family values. In compliance with the breast-feeding promotion program established under the federal Child Nutrition Act of 1966 (42 U.S.C. Section 1771 et seq.), the legislature recognizes breast-feeding as the best method of infant nutrition. The legislature intends for all persons to be informed of the rights of a breast-feeding mother and child and to be prohibited from interfering with those rights.

Sec. 165.002. RIGHT TO BREAST-FEED OR EXPRESS BREAST MILK AND PROHIBITED INTERFERENCE WITH OR RESTRICTION OF THAT RIGHT. (a) A mother is entitled to breast-feed her baby or express breast milk in any location in which the mother's and child's presence on the premises is otherwise authorized. The authorization may not be revoked solely because the mother is breast-feeding the child.

(b) A person may not interfere with or restrict the right of

1 a mother to breast-feed in accordance with this section.

2 SECTION 2. Subchapter A, Chapter 165, Health and Safety  
3 Code, is amended by adding Section 165.005 to read as follows:

4 Sec. 165.005. STATE AGENCY "MOTHER-FRIENDLY" WORKSITE. To  
5 the extent reasonably practicable, each state agency shall develop  
6 a policy supporting the practice of worksite breast-feeding in  
7 accordance with Section 165.003.

8 SECTION 3. Chapter 165, Health and Safety Code, is amended  
9 by adding Subchapter C to read as follows:

10 SUBCHAPTER C. NOTIFICATION OF RIGHT AND CIVIL CAUSE OF ACTION

11 Sec. 165.101. NOTIFICATION BY COMPTROLLER. (a) The  
12 comptroller at least annually shall include in the comptroller's  
13 tax policy e-newsletter, or another electronic notification,  
14 information on a mother's right to breast-feed and the prohibition  
15 against interference with or restriction of that right as provided  
16 by Section 165.002.

17 (b) The comptroller shall make available the notice  
18 required by Subsection (a) at each taxpayer seminar the office of  
19 the comptroller offers.

20 (c) The comptroller may provide the notification required  
21 by this section with any other notice or document the comptroller  
22 mails to a person.

23 Sec. 165.102. CIVIL CAUSE OF ACTION. (a) A mother may  
24 bring a civil action against a person who allegedly violates  
25 Section 165.002.

26 (b) A mother who prevails in an action brought under this  
27 section is entitled to obtain:

1           (1) injunctive relief;

2           (2) damages in an amount not to exceed \$500 for each  
3 day the violation occurs; and

4           (3) reasonable attorney's fees and court costs.

5           (c) Notwithstanding any other law, a person liable for  
6 damages under Subsection (b)(2) is liable for only one award of \$500  
7 for each day a violation of Section 165.002 occurs, and for all  
8 violations of Section 165.002 the person commits on that day,  
9 regardless of the number of violations alleged or the number of  
10 mothers alleging a violation. A mother may recover only one award  
11 for damages for each day a violation of Section 165.002 occurs,  
12 regardless of the number of persons who violate that section.

13           (d) The sovereign immunity of this state and governmental  
14 immunity of a political subdivision to suit and from liability is  
15 waived to the extent of liability created by this section.

16           SECTION 4. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2025.