

By: Farrar

H.B. No. 1154

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the promotion of breast-feeding and the prohibition
3 against interference with or restriction of the right to
4 breast-feed; providing a civil penalty.

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

6 SECTION 1. Section 165.002, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 165.002. RIGHT TO BREAST-FEED. (a) A mother is
9 entitled to breast-feed her baby in any location in which the mother
10 is otherwise authorized to be. A mother's authority to be in a
11 location may not be revoked for the sole reason that she begins to
12 breast-feed.

13 (b) A person may not interfere with or restrict the right of
14 a mother to breast-feed in accordance with this section:

15 (1) in any place held open to the general public; or

16 (2) in any place owned or operated by an entity:

17 (A) from which the comptroller collects taxes; or

18 (B) which holds a license or permit issued by the
19 comptroller.

20 SECTION 2. Chapter 165, Health and Safety Code, is amended
21 by adding Subchapter C to read as follows:

22 SUBCHAPTER C. NOTIFICATION AND PENALTY

23 Sec. 165.101. NOTIFICATION BY COMPTROLLER. The comptroller
24 at least one time shall notify each business entity described by

1 Section 165.002(b)(2) of the right of a mother to breast-feed and
2 the prohibition against interference with or restriction of that
3 right as provided by Section 165.002. The comptroller may combine
4 the notification required by this section with any other notice or
5 document mailed to an entity described by this section.

6 Sec. 165.102. CIVIL PENALTY. (a) The district or county
7 attorney for the county in which a violation of Section 165.002 is
8 alleged to have occurred may issue a letter to the person alleged to
9 have violated that section. The letter must advise the person of
10 the requirements of Section 165.002 and state that the person may be
11 liable for a civil penalty under this section for a subsequent
12 violation.

13 (b) A person who violates Section 165.002 after receiving a
14 warning letter under Subsection (a) is liable to the state for a
15 civil penalty of \$250 for each violation that occurs after the
16 letter is received.

17 (c) The district or county attorney for the county in which
18 a violation of this section is alleged to have occurred, or the
19 attorney general, if requested by the district or county attorney
20 for that county, may file suit for the collection of the penalty.

21 (d) A civil penalty recovered under this section shall be
22 deposited:

23 (1) in the state treasury if the attorney general
24 brings the suit; or

25 (2) in the general fund of the county in which the
26 violation occurred if a district or county attorney brings the
27 suit.

1 SECTION 3. As soon as practicable after the effective date
2 of this Act, but not later than September 1, 2008, the comptroller
3 shall provide the notification required by Section 165.101, Health
4 and Safety Code, as added by this Act, to each business entity
5 described by Section 165.002(b)(2), Health and Safety Code, as
6 added by this Act, in existence on the effective date of this Act.

7 SECTION 4. This Act takes effect September 1, 2007.