

By: Walle

H.B. No. 741

A BILL TO BE ENTITLED

AN ACT

relating to the right of a public employee to breast-feed, or to
express breast milk for, the employee's child in the workplace.

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

SECTION 1. Subtitle A, Title 6, Government Code, is amended
by adding Chapter 619 to read as follows:

CHAPTER 619. RIGHT TO BREAST-FEED OR EXPRESS BREAST MILK

IN THE WORKPLACE

Sec. 619.001. DEFINITION. In this chapter, "public
employer" means a:

(1) county, municipality, or other political
subdivision of this state, including a school district; or

(2) board, commission, office, department, or other
agency in the executive, judicial, or legislative branch of state
government, including an institution of higher education.

Sec. 619.002. RIGHT TO BREAST-FEED OR EXPRESS BREAST MILK.
An employee of a public employer is entitled to breast-feed, or
express breast milk for, the employee's child at the employee's
workplace.

Sec. 619.003. BREAST-FEEDING POLICY. (a) A public employer
shall develop a written policy supporting women who want to
continue breast-feeding after returning from maternity leave.

(b) A policy developed under Subsection (a) must state that
the public employer shall:

1 (1) support and encourage the practice of
2 breast-feeding; and

3 (2) accommodate the breast-feeding needs of
4 employees.

5 Sec. 619.004. PUBLIC EMPLOYER RESPONSIBILITIES. A public
6 employer shall:

7 (1) provide a reasonable amount of break time at
8 appropriate intervals to accommodate an employee desiring to
9 breast-feed or express breast milk under this chapter; and

10 (2) provide a room or other location in close
11 proximity to the employee's work area, other than a toilet stall or
12 restroom, with an accessible electrical outlet and a locking door
13 where the employee can breast-feed or express breast milk in
14 private.

15 Sec. 619.005. DISCRIMINATION PROHIBITED. (a) A public
16 employer may not suspend or terminate the employment of, or
17 otherwise discriminate against, an employee based on the employee's
18 exercise of her right to breast-feed or express breast milk in the
19 workplace under this chapter.

20 (b) The refusal of a public employer to comply with the
21 requirements of this chapter constitutes an unlawful employment
22 practice under Chapter 21, Labor Code.

23 SECTION 2. This Act takes effect September 1, 2013.