

By: Farrar

H.B. No. 1706

Substitute the following for H.B. No. 1706:

By: Bohac

C.S.H.B. No. 1706

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the promotion of breast-feeding and the prohibition
3 against interference with or restriction of the right to
4 breast-feed.

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

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

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

18 Sec. 165.002. RIGHT TO BREAST-FEED. (a) A mother is
19 entitled to breast-feed her baby in any location in which the mother
20 and the child ~~is~~ are otherwise authorized to be. A mother's
21 authority to be in a location may not be revoked for the sole reason
22 that she begins to breast-feed.

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

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

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

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

9 Subchapter C: NOTIFICATION AND CIVIL CAUSE OF ACTION

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

15 (b) The comptroller shall make the notice required by
16 Subsection (a) available at each taxpayer seminar offered by the
17 comptroller.

18 (c) The comptroller may also provide the notification
19 required by this section with any other notice or document mailed to
20 an entity described by this section.

21 Sec. 165.102. CIVIL CAUSE OF ACTION. (a) In Section
22 165.102, "interested person" means a mother who was breast-feeding
23 at the time the mother's rights were alleged to have been violated.

24 (b) In Section 165.102, "entity" refers to a single
25 geographic address. If an entity has more than one geographic
26 address each separate geographic address is a different entity for
27 purposes of this section.

1 (c) An interested person may bring a civil action against a
2 person alleged to have violated Section 165.002.

3 (d) A person who brings an action under this section may
4 obtain:

5 (1) Injunctive relief against any person, or entity
6 that commits a violation of this chapter;

7 (2) An award for a civil penalty of \$500 to a
8 prevailing plaintiff; and

9 (3) An award for reasonable and necessary attorney
10 fees incurred by that party in the action.

11 (e) Notwithstanding any other provisions of this section,
12 or of law, a person or entity that violates this chapter is liable
13 for only one civil penalty of \$500 for each day a violation of this
14 chapter occurs, and for all violations of this chapter committed by
15 that person or entity on that day, regardless of the number of
16 violations alleged or the number of interested persons claiming
17 that a violation has occurred. An interested person can recover
18 only one civil penalty for each day a violation of this chapter
19 occurs, regardless of the number of persons who allegedly commit
20 the violation.

21 (f) A judgment rendered in a civil action brought under this
22 section must award to the prevailing party reasonable and necessary
23 attorney fees incurred by that party in the action.

24 SECTION 4. This Act takes effect September 1, 2013.