

By: Farrar, King of Taylor, Collier

H.B. No. 232

Substitute the following for H.B. No. 232:

By: Simmons

C.S.H.B. No. 232

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; creating a civil action.

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 Code, 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 are otherwise [~~is~~] 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 or otherwise electronically provide  
13 notification of the right of a mother to breast-feed and the  
14 prohibition against interference with or restriction of that right  
15 as provided by Section 165.002.

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

19 (c) The comptroller may also provide the notification  
20 required by this section with any other notice or document mailed to  
21 a person with whom the comptroller communicates.

22 Sec. 165.102. CIVIL CAUSE OF ACTION. (a) Except as  
23 provided by Subsection (d), a mother may bring a civil action  
24 against a person who is alleged to have violated the mother's right  
25 to breast-feed a child under Section 165.002.

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

1           (1) injunctive relief;

2           (2) damages of up to \$500 for each day a violation of  
3 Section 165.002 occurred; 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 damages  
7 award of \$500 for each day a violation of Section 165.002 occurs,  
8 and for all violations of Section 165.002 that the person commits on  
9 that day, regardless of the number of violations alleged or the  
10 number of mothers claiming that a violation has occurred. A mother  
11 may recover only one damages award for each day a violation of  
12 Section 165.002 occurs, regardless of the number of persons who  
13 violate that section.

14           (d) A mother may not bring a civil action under Subsection  
15 (a) against a person who is alleged to have violated the mother's  
16 right to breast-feed under Section 165.002 if the violation is  
17 alleged to have occurred at a private home and alleged to have been  
18 committed by the person who owns the home.

19           SECTION 4. This Act takes effect September 1, 2015.