

By: Farrar

H.B. No. 146

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; 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 for all persons to be informed of the rights
16 of a breast-feeding mother and child and to 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 on the premises.
21 The authorization for the mother and child to be on the premises may
22 not be revoked solely because the mother is breast-feeding the
23 child.

24 (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 under
7 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 otherwise electronically provide
14 notification of a mother's right to breast-feed and of the
15 prohibition against interference with or restriction of that right
16 as provided by Section 165.002.

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

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

23 Sec. 165.102. CIVIL CAUSE OF ACTION. (a) A mother may
24 bring a civil action against a person who is alleged to have
25 violated the mother's right to breast-feed a child under Section
26 165.002.

27 (b) A mother who prevails in an action under this section is

1 entitled to obtain:

2 (1) injunctive relief;

3 (2) damages in an amount not to exceed \$500 for each
4 day a violation of Section 165.002 occurred; and

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

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

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect on the 91st day after the last day of the
20 legislative session.