

## **BILL ANALYSIS**

H.B. 742  
By: Farrar  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties are concerned that there is a general lack of awareness regarding a woman's right to breast-feed her baby and that specific enforcement mechanisms that protect against violations of this right do not exist. H.B. 742 seeks to promote policies regarding the right to breast-feed and to address interference with or restriction of that right by creating a civil cause of action for a mother whose right to breast-feed is violated.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 742 amends the Health and Safety Code to change the locations in which a mother is entitled to breast-feed her baby from any location in which the mother is authorized to be to any location in which the mother and the child are otherwise authorized to be on the premises and to prohibit the revocation of a mother's authority to be on the premises of such a location for the sole reason that she begins to breast-feed. The bill prohibits a person from interfering with or restricting the right of a mother to breast-feed in accordance with state law.

H.B. 742 requires each state agency to develop, to the extent reasonably practicable, a policy supporting the practice of worksite breast-feeding under statutory provisions relating to designating businesses as "mother-friendly."

H.B. 742 requires the comptroller of public accounts at least annually to include in the comptroller's tax policy e-newsletter or otherwise electronically provide notification of the right of a mother to breast-feed and of the prohibition against interference with or restriction of that right. The bill requires the comptroller to make such notice available at each taxpayer seminar offered by the office of the comptroller and authorizes the comptroller to also provide such notification with any other notice or document mailed to a person with whom the comptroller communicates.

H.B. 742 authorizes a mother to bring a civil action against a person who is alleged to have violated the mother's right to breast-feed a child and entitles a mother who prevails in such an action to obtain injunctive relief, damages of up to \$500 for each day such a violation occurred, and reasonable attorney's fees and court costs. The bill limits the liability of a person liable for such damages to one damages award of \$500 for each day such a violation occurs and for all

such violations that the person commits on that day, regardless of the number of violations alleged or the number of mothers claiming that a violation has occurred. The bill limits a mother's recovery to one damages award for each day such a violation occurs, regardless of the number of persons who violate her right to breast-feed.

**EFFECTIVE DATE**

September 1, 2017.