

BILL ANALYSIS

H.B. 243
By: Farrar
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns that current statutes protecting a woman's right to breastfeed may not be fully effective in practice because of limited public awareness of the law and because of a lack of enforcement mechanisms. H.B. 243 seeks to address these concerns by creating a cause of civil action for a violation of this right and by requiring the comptroller of public accounts to distribute information regarding the applicable law.

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. 243 amends the Health and Safety Code to change the scope of a mother's entitlement to breast-feed her baby from a right to breast-feed in any location in which the mother is authorized to be to a right to breast-feed in any location in which the mother's and child's presence on the premises is otherwise authorized and to prohibit the revocation of that authorization solely because the mother is breast-feeding the child. The bill prohibits a person from interfering with or restricting the right of a mother to breast-feed in accordance with this entitlement.

H.B. 243 requires the comptroller of public accounts at least annually to include in its tax policy e-newsletter, or another electronic notification, information on a mother's right to breast-feed and the prohibition against interference with or restriction of that right. The bill requires the comptroller to make that notice available at each taxpayer seminar offered by the office of the comptroller and authorizes the comptroller to provide the notification with any other notice or document mailed to a person with whom the comptroller communicates.

H.B. 243 authorizes a mother to bring a civil action against a person who allegedly violates the mother's right to breast-feed a child. The bill entitles a mother who prevails in such an action to obtain injunctive relief, reasonable attorney's fees and court costs, and damages up to \$500 for each day the violation occurs and provides certain limitations on the amount the mother may recover for each such day and on a person's liability for damages for each such day.

H.B. 243 requires each state agency, to the extent reasonably practicable, to develop a policy supporting the practice of worksite breast-feeding that meets statutory requirements for a business designation of "mother-friendly" by the Department of State Health Services. The bill sets out certain legislative intent.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.