

By: Farrar

H.B. No. 243

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  
20 mother's and child's presence on the premises [mother] is otherwise  
21 authorized [to be]. The authorization may not be revoked solely  
22 because the mother is breast-feeding the child.

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 OF RIGHT 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 another electronic notification,  
13 information on a mother's right to breast-feed and the prohibition  
14 against interference with or restriction of that right as provided  
15 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 provide the notification required  
20 by this section with any other notice or document mailed to a person  
21 with whom the comptroller communicates.

22 Sec. 165.102. CIVIL CAUSE OF ACTION. (a) A mother may  
23 bring a civil action against a person who allegedly violates the  
24 mother's right to breast-feed a child under Section 165.002.

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

27 (1) injunctive relief;

1           (2) damages in an amount not to exceed \$500 for each  
2 day the violation occurs; and

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

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

12           SECTION 4. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2019.