By: Gamez H.B. No. 3378

A BILL TO BE ENTITLED

AN ACT

relating to the promotion of breast-feeding and the prohibition against interference with or restriction of the right to breast-feed; creating a civil action.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 165.001 and 165.002, Health and Safety Code, are amended to read as follows:

Sec. 165.001. LEGISLATIVE FINDING. The legislature finds that breast-feeding a baby is an important and basic act of nurture that must be encouraged in the interests of maternal and child health and family values. In compliance with the breast-feeding promotion program established under the federal Child Nutrition Act of 1966 (42 U.S.C. Section 1771 et seq.), the legislature recognizes breast-feeding as the best method of infant nutrition. The legislature intends for all persons to be informed of the rights of a breast-feeding mother and child and to be prohibited from interfering with those rights.

Sec. 165.002. RIGHT TO BREAST-FEED OR EXPRESS BREAST MILK. (a) A mother is entitled to breast-feed her baby or express breast milk in any location in which the mother's and child's presence on the premises is otherwise authorized. The authorization may not be revoked solely because the mother is breast-feeding the child.

(b) A person may not interfere with or restrict the right of a mother to breast-feed in accordance with this section.

SECTION 2. Subchapter A, Chapter 165, Health and Safety Code, is amended by adding Section 165.005 to read as follows:

Sec. 165.005. STATE AGENCY "MOTHER-FRIENDLY" WORKSITE. To the extent reasonably practicable, each state agency shall develop a policy supporting the practice of worksite breast-feeding in accordance with Section 165.003.

SECTION 3. Chapter 165, Health and Safety Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. NOTIFICATION OF RIGHT AND CIVIL CAUSE OF ACTION

Sec. 165.101. NOTIFICATION BY COMPTROLLER. (a) The comptroller at least annually shall include in the comptroller's 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 as provided by Section 165.002.

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

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

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

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

(1) injunctive relief;

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

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

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.