

HOUSE BILL No. 5077

October 10, 2013, Introduced by Reps. Tlaib, Roberts, Barnett, Shirkey, Durhal, Slavens, Irwin, Zemke, Lipton, Hobbs, Potvin, Switalski, Schor, Knezek, Hovey-Wright, Townsend, Faris, Smiley, Robinson and Lori and referred to the Committee on Health Policy.

A bill to prohibit discriminatory practices, policies, and customs in the exercise of the right to breastfeed; to provide for enforcement of the right to breastfeed; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act shall be known and may be cited as the
2 "breastfeeding antidiscrimination act".

3 (2) As used in this act:

4 (a) "Place of public accommodation" means a business, an
5 educational institution, or a refreshment, entertainment,
6 recreation, health, or transportation facility of any kind, whether
7 licensed or not, whose goods, services, facilities, privileges,
8 advantages, or accommodations are extended, offered, sold, or
9 otherwise made available to the public.

1 (b) "Public service" means a public facility, department,
2 agency, board, or commission owned, operated, or managed by or on
3 behalf of this state or a subdivision of this state, by a county,
4 city, village, township, or independent or regional district in
5 this state, or by a tax-exempt private agency established to
6 provide service to the public, except that public service does not
7 include a state or county correctional facility with respect to
8 actions or decisions regarding an individual serving a sentence of
9 imprisonment.

10 Sec. 2. Except where expressly permitted by state or federal
11 statute or a regulation promulgated thereunder, a person with
12 control over a public accommodation or public service shall not do
13 any of the following:

14 (a) Deny the full and equal enjoyment of the goods, services,
15 facilities, privileges, advantages, or accommodations of a place of
16 public accommodation or public service to a woman because she is
17 breastfeeding a child.

18 (b) Print, circulate, post, mail, or otherwise cause to be
19 published a statement, advertisement, notice, or sign that
20 indicates any of the following:

21 (i) That the full and equal enjoyment of the goods, services,
22 facilities, privileges, advantages, or accommodations of a place of
23 public accommodation or public service will be refused, withheld
24 from, or denied a woman because she is breastfeeding a child.

25 (ii) That a woman's patronage of or presence at a place of
26 public accommodation is objectionable, unwelcome, unacceptable, or
27 undesirable because she is breastfeeding a child.

1 Sec. 3. (1) A person alleging a violation of this act may
2 bring a civil action in a court of appropriate jurisdiction for
3 appropriate injunctive relief, actual damages or presumed damages
4 of \$200.00, or both injunctive relief and actual or presumed
5 damages.

6 (2) In addition to the relief under subsection (1), a court
7 rendering a judgment in an action brought under this act may award
8 all or a portion of the costs of litigation, including reasonable
9 attorney fees and witness fees, to the complainant in the action if
10 the court determines that the award is appropriate.