

Legislative Analysis



PROTECTION FOR BREASTFEEDING IN PUBLIC

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House Bill 5515

Sponsor: Rep. Rebekah Warren

Committee: Judiciary

Complete to 12-1-09

A SUMMARY OF HOUSE BILL 5515 AS INTRODUCED 10-14-09

The bill would broaden the scope of the Elliott-Larsen Civil Rights Act to apply to a woman breastfeeding her child in a public place.

Currently, Michigan law allows local governments to prohibit public nudity within their jurisdictions, but excludes breastfeeding from the definition of the term whether or not the nipple or areola is exposed during or incidental to the feeding. However, discriminating against a woman who is breastfeeding in a public place is not specifically prohibited in statute.

House Bill 5515 would amend the title and Section 302 of the Elliott-Larsen Civil Rights Act to grant to a woman the right to breastfeed in a public place and prohibit practices that would discriminate against the woman because she was breastfeeding a child.

Specifically, the bill would prohibit a person from doing the following:

- Denying the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service to a woman because she was breastfeeding a child.
- Printing, circulating, posting, mailing, or otherwise publishing a statement, advertisement, notice, or sign that indicated that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service would be refused, withheld from, or denied a woman because she was breastfeeding a child; or, doing those things to indicate that a woman's patronage or presence at a place of public accommodation was objectionable, unwelcome, unacceptable, or undesirable because she was breastfeeding a child.

(Under Section 606, a person alleging a violation of the act may bring a civil action for appropriate injunctive relief or damages, or both. Under the act, "damages" include reasonable attorney fees.)

FISCAL IMPACT:

There would be an indeterminate increase in costs to the state resulting from the need for additional investigations and court costs associated with litigation resulting from violations.

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