



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 674 (as introduced 11-12-13)
Sponsor: Senator Rebekah Warren
Committee: Judiciary

(Senate-passed version)

Date Completed: 12-9-13

CONTENT

The bill would create the "Breastfeeding Antidiscrimination Act", which would do the following:

- Prohibit the denial of full and equal enjoyment of a place of public accommodation or public service to a woman because she was breastfeeding.**
- Prohibit publishing a statement or notice indicating that a woman's full enjoyment of a place of public accommodation or public service would be refused, or that her patronage or presence would be unwelcome because she was breastfeeding.**
- Establish a civil remedy for a violation of the proposed Act.**

Prohibitions

Except where expressly permitted by State or Federal statute, or a regulation promulgated under a State or Federal statute, a person with control over a public accommodation or public service could not deny 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. Such a person also could not print, circulate, post, mail, or otherwise cause to be published, a statement, advertisement, notice, or sign that indicated either of the following:

- 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.
- That a woman's patronage of, or presence at, a place of public accommodation was objectionable, unwelcome, unacceptable, or undesirable because she was breastfeeding a child.

Civil Remedy

A person alleging a violation of the proposed Act could bring a civil action in a court of appropriate jurisdiction for appropriate injunctive relief, actual damages, or presumed damages of \$200, or both injunctive relief and actual or presumed damages.

The court rendering a judgment in the action also could award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant if the court determined that the award was appropriate.

Definitions

The bill would define "place of public accommodation" as a business, an educational institution, or a refreshment, entertainment, recreation, health, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

"Public service" would mean a public facility, department, agency, board, or commission owned, operated, or managed by or on behalf of the State or a subdivision of the State, by a county, city, village, township, or independent or regional district, or by a tax-exempt private agency established to provide service to the public. The term would not include a State or county correctional facility with respect to actions or decisions regarding an individual serving a sentence of imprisonment.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a minor, perhaps negligible, impact on the civil caseload of local courts. There are no data to indicate how many additional cases could result from actions brought under the proposed Breastfeeding Antidiscrimination Act. It is unlikely that the magnitude of any potential increase would be great enough to require increased judicial resources.

Fiscal Analyst: Dan O'Connor

S1314\674sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.