BREASTFEEDING ANTIDISCRIMINATION ACT

Act 197 of 2014

AN ACT to prohibit discriminatory practices, policies, and customs in the exercise of the right to breastfeed and express human milk; to provide for enforcement of the right to breastfeed and express human milk; and to provide remedies.

History: 2014, Act 197, Imd. Eff. June 24, 2014 ;-- Am. 2024, Act 130, Imd. Eff. Oct. 8, 2024

The People of the State of Michigan enact:

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37.231 Short title; definitions.

Sec. 1.

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

(2) As used in this act:

(a) "Place of public accommodation" means 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.

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

History: 2014, Act 197, Imd. Eff. June 24, 2014

37.232 Person with control over public accommodation or public service; prohibited conduct.

Sec. 2.

Unless expressly permitted by a state or federal statute or a regulation promulgated under a state or federal statute, a person with control over a place of public accommodation or public service shall not do any of the following:

(a) 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 an individual because the individual is breastfeeding a child or is expressing human milk.

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

(i) That the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because the individual is breastfeeding a child or is expressing human milk.

(ii) That an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because the individual is breastfeeding a child or is expressing human milk.

History: 2014, Act 197, Imd. Eff. June 24, 2014 ;-- Am. 2024, Act 130, Imd. Eff. Oct. 8, 2024

37.233 Civil action; injunctive relief and damages; costs; fees.

Sec. 3.

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

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

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