

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Walle, King of Taylor, Hernandez,  
Martinez Fischer

H.B. No. 786

A BILL TO BE ENTITLED

AN ACT

relating to the right of a public employee to express breast milk in  
the workplace.

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

SECTION 1. Subtitle A, Title 6, Government Code, is amended  
by adding Chapter 619 to read as follows:

CHAPTER 619. RIGHT TO EXPRESS BREAST MILK

IN THE WORKPLACE

Sec. 619.001. DEFINITION. In this chapter, "public  
employer" means:

(1) a county, a municipality, or another political  
subdivision of this state, including a school district; or

(2) a board, a commission, an office, a department, or  
another agency in the executive, judicial, or legislative branch of  
state government, including an institution of higher education.

Sec. 619.002. RIGHT TO EXPRESS BREAST MILK. An employee of a  
public employer is entitled to express breast milk at the  
employee's workplace.

Sec. 619.003. POLICY ON EXPRESSING BREAST MILK. (a) A  
public employer shall develop a written policy on the expression of  
breast milk by employees under this chapter.

(b) A policy developed under Subsection (a) must state that  
the public employer shall:

(1) support the practice of expressing breast milk;

1 and

2 (2) make reasonable accommodations for the needs of  
3 employees who express breast milk.

4 Sec. 619.004. PUBLIC EMPLOYER RESPONSIBILITIES. A public  
5 employer shall:

6 (1) provide a reasonable amount of break time for an  
7 employee to express breast milk each time the employee has need to  
8 express the milk; and

9 (2) provide a place, other than a bathroom, that is  
10 shielded from view and free from intrusion from other employees and  
11 the public where the employee can express breast milk.

12 Sec. 619.005. DISCRIMINATION PROHIBITED. A public employer  
13 may not suspend or terminate the employment of, or otherwise  
14 discriminate against, an employee because the employee has asserted  
15 the employee's rights under this chapter.

16 SECTION 2. This Act takes effect September 1, 2015.

FLOOR AMENDMENT NO. 1

BY: Van Teyla

1 Amend H.B. 786 (senate committee printing) as follows:

2 (1) In SECTION 1 of the bill, in added Section 619.004(2),  
3 Government Code (page 1, line 50), between "a" and "bathroom",  
4 insert "multiple user".

5 (2) In SECTION 1 of the bill, following added Section  
6 619.005, Government Code (page 1, between lines 56 and 57)  
7 insert the following:

8 Sec. 619.006. NO CAUSE OF ACTION CREATED. This chapter  
9 does not create a private or state cause of action against a  
10 public employer.

**ADOPTED**

MAY 24 2015

*Latoy Spaw*  
Secretary of the Senate

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 25, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB786** by Walle (Relating to the right of a public employee to express breast milk in the workplace.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

This bill would specify that a public employee in Texas is entitled to express breast milk at the employee's place of work. The bill would require a public employer to provide certain accommodations for employees to express breast milk and would prohibit a public employer from discriminating against an employee for expressing breast milk at work. It is assumed that costs associated with implementing provisions of the bill would not be significant and could be absorbed using existing resources.

**Local Government Impact**

According to Texas Association of Counties (TAC), many counties have already implemented measures consistent with the provisions of the bill. However, TAC reported that counties which don't currently have policies for nursing mothers may see a significant fiscal impact from the bill. According to Texas Municipal League, the fiscal impact to municipalities to implement the provisions of the bill is not anticipated to be significant.

School districts that do not already accommodate employees expressing breast milk may experience some administrative costs. Administrative costs would vary depending on whether the facility already had a suitable location for expressing breast milk. There would also be administrative costs to school districts to accommodate reasonable breaks each time an employee needed to express breast milk.

**Source Agencies:** 302 Office of the Attorney General, 303 Facilities Commission, 405 Department of Public Safety, 537 State Health Services, Department of, 539 Aging and Disability Services, Department of, 580 Water Development Board, 601 Department of Transportation, 696 Department of Criminal Justice, 701 Central Education Agency

**LBB Staff:** UP, CL, JJ, THo, TBo, JN, TL, JBi, KVe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 5, 2015**

**TO:** Honorable Kevin Eltife, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB786** by Walle (Relating to the right of a public employee to express breast milk in the workplace.), **As Engrossed**

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 16, 2015**

**TO:** Honorable René Oliveira, Chair, House Committee on Business & Industry

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB786** by Walle (Relating to the right of a public employee to express breast milk in the workplace.), **As Introduced**

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