

Legislative Analysis



PROHIBIT DISCRIMINATION BASED ON EXPRESSING HUMAN MILK

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Senate Bill 351 as reported from House committee

Sponsor: Sen. Jeff Irwin

House Committee: Judiciary

Senate Committee: Health Policy

Complete to 9-25-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 351 would amend the Breastfeeding Antidiscrimination Act to provide the same protections from discrimination and remedies to an individual who is publicly expressing human milk as are currently provided to an individual who is publicly breastfeeding a child.

Under the bill, a person with control over a *public service* or a *place of public accommodation* could not do either of the following (unless specifically allowed by state or federal law):

- Deny to an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the service or place of accommodation because the individual is expressing human milk.
- Print, circulate, post, mail, or cause to be published a statement, advertisement, notice, or sign that indicates either of the following:
 - That the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a public service or a place of public accommodation will be refused an individual, withheld from them, or denied them because they are expressing human milk.
 - That an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because they are expressing human milk.

Public service means 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 in Michigan; or by a tax-exempt private agency established to provide service to the public. However, with respect to actions or decisions regarding an individual serving a sentence of imprisonment, public service does not include a state or county correctional facility.

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.

A person alleging a violation of the act may bring a civil action for appropriate injunctive relief, for actual or presumed damages of \$200, or for both injunctive relief and actual or presumed damages. In addition, the court can award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant in the action.

MCL 37.232

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

POSITIONS:

Representatives of the following entities testified in support of the bill (5-15-24):

- Michigan Breastfeeding Network
- LactPower

The following entities indicated support for the bill (5-15-24):

- Aeroflow Health
- American Association of University Women of Michigan
- Branch Hillsdale St. Joseph Community Health Agency
- Ebb & Flo Birthing Services
- Lansing Baby Cafe
- McLaren Health Care
- Michigan Coalition to End Domestic and Sexual Violence
- Michigan Council of Maternal and Child Health
- Next Generation Family
- Nurse Family Partnership
- Oakland County Breastfeeding Coalition
- YWCA Kalamazoo

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.