

BREASTFEEDING PROTECTION ACT

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Justin L. Fawson

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This bill creates the Breastfeeding Protection Act and amends provisions related to public accommodations.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits discrimination based on pregnancy in places of public accommodation;
- ▶ permits a woman to breastfeed in any place of public accommodation; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-7-1, as last amended by Laws of Utah 2010, Chapter 378

13-7-2, as last amended by Laws of Utah 2010, Chapters 276 and 378

13-7-3, as last amended by Laws of Utah 1973, Chapter 18

ENACTS:

13-7a-101, Utah Code Annotated 1953



28 [13-7a-102](#), Utah Code Annotated 1953

29 [13-7a-103](#), Utah Code Annotated 1953

30

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **13-7-1** is amended to read:

33 **13-7-1. Policy and purposes of act.**

34 It is hereby declared that the practice of discrimination on the basis of race, color, sex,
35 pregnancy, religion, ancestry, or national origin in business establishments or places of public
36 accommodation or in enterprises regulated by the state endangers the health, safety, and general
37 welfare of this state and its inhabitants; and that such discrimination in business establishments
38 or places of public accommodation or in enterprises regulated by the state, violates the public
39 policy of this state. It is the purpose of this act to assure all citizens full and equal availability
40 of all goods, services and facilities offered by business establishments and places of public
41 accommodation and enterprises regulated by the state without discrimination because of race,
42 color, sex, pregnancy, religion, ancestry, or national origin. The rules of common law that
43 statutes in derogation thereof shall be strictly construed has no application to this act. This act
44 shall be liberally construed with a view to promote the policy and purposes of the act and to
45 promote justice. The remedies provided herein are not exclusive but are in addition to any other
46 remedies available at law or equity.

47 Section 2. Section **13-7-2** is amended to read:

48 **13-7-2. Definitions.**

49 As used in this chapter:

50 (1) "Enterprise regulated by the state" means:

51 (a) an institution subject to regulation under Title 70C, Utah Consumer Credit Code;

52 (b) a place of business that sells an alcoholic product at retail as provided in Title 32B,
53 Alcoholic Beverage Control Act;

54 (c) an insurer regulated by Title 31A, Insurance Code; and

55 (d) a public utility subject to regulation under Title 54, Public Utilities.

56 (2) "Person" includes [~~one or more individuals, partnerships, associations,~~

57 ~~organizations, corporations, labor unions, legal representatives, trustees, trustees in bankruptcy,~~

58 ~~receivers] an individual, partnership, association, organization, corporation, labor union, legal~~

59 representative, trustee, trustee in bankruptcy, receiver, and other organized groups of persons.

60 [~~(+)~~] (3) (a) "Place of public accommodation" includes:

61 (i) every place, establishment, or facility of whatever kind, nature, or class that caters
62 or offers [~~its~~] services, facilities, or goods to the general public for a fee or charge, except, an
63 establishment that is:

64 [~~(+)~~] (A) located within a building that contains not more than five rooms for rent or
65 hire; and

66 [~~(+)~~] (B) actually occupied by the proprietor of the establishment as the proprietor's
67 residence[~~;~~]; and

68 [~~(b)~~] (ii) a place, establishment, or facility that caters or offers [~~its~~] services,
69 facilities, or goods to the general public gratuitously [~~shall be within the definition of this term~~
70 if it] if the place, establishment, or facility receives any substantial governmental subsidy or
71 support.

72 [~~(c)~~] (b) "Place of public accommodation" does not [~~apply to any~~] include an
73 institution, church, [~~any~~] apartment house, club, or place of accommodation [~~which~~] that is in
74 [~~its~~] nature distinctly private except to the extent that [~~it~~] the institution, church, apartment
75 house, club, or place of accommodation is open to the public.

76 [~~(3)~~] "Enterprises"

77 (4) "Pregnancy" includes pregnancy or a pregnancy-related condition.

78 (5) "Pregnancy-related condition" includes breastfeeding, lactation, or a medical
79 condition related to breastfeeding.

80 Section 3. Section 13-7-3 is amended to read:

81 **13-7-3. Equal right in business establishments, places of public accommodation,**
82 **and enterprises regulated by the state.**

83 All persons within the jurisdiction of this state are free and equal and are entitled to full
84 and equal accommodations, advantages, facilities, privileges, goods and services in all business
85 establishments and in all places of public accommodation, and by all enterprises regulated by
86 the state of every kind whatsoever, without discrimination on the basis of race, color, sex,
87 pregnancy, religion, ancestry or national origin. Nothing in this act shall be construed to deny
88 any person the right to regulate the operation of a business establishment or place of public
89 accommodation or an enterprise regulated by the state in a manner which applies uniformly to

90 all persons without regard to race, color, sex, pregnancy, religion, ancestry, or national origin;
91 or to deny any religious organization the right to regulate the operation and procedures of its
92 establishments.

93 Section 4. Section **13-7a-101** is enacted to read:

94 **CHAPTER 7a. BREASTFEEDING PROTECTION ACT**

95 **13-7a-101. Title.**

96 This chapter is known as "Breastfeeding Protection Act."

97 Section 5. Section **13-7a-102** is enacted to read:

98 **13-7a-102. Definitions.**

99 As used in this chapter:

100 (1) "Breastfeeding" means the act of a woman breastfeeding a child.

101 (2) "Breastfeeding" includes lactation.

102 Section 6. Section **13-7a-103** is enacted to read:

103 **13-7a-103. Breastfeeding location and conduct.**

104 A woman may breastfeed in any place of public accommodation, as defined in Section
105 13-7-2 ~~↩~~ ↪ ~~[, irrespective of whether the woman's breast is uncovered during or incidental to the~~
106 breastfeeding] ~~↩~~ ↪ .

Legislative Review Note
Office of Legislative Research and General Counsel