



Senate Fiscal Agency
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House Bills 5591 and 5592 (as passed by the House)
Sponsor: Representative Amanda Price (H.B. 5591)
Representative Lisa Posthumus Lyons (H.B. 5592)
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 5-30-14

CONTENT

The bills would amend the Michigan Penal Code to specify that breastfeeding or expressing breast milk would not constitute indecent exposure or disorderly conduct.

Section 335a of the Penal Code prohibits a person from knowingly making any open or indecent exposure of his or her person or of the person of another. Section 167 provides that a person is a disorderly person if he or she engages in certain activities, including indecent or obscene conduct in a public place.

House Bills 5591 and 5592 would amend Sections 335a and 167, respectively, to specify that a mother's breastfeeding of a child or expressing breast milk would not constitute indecent or obscene conduct under those provisions, regardless of whether the woman's areola or nipple was visible during or incidental to the breastfeeding or expressing of breast milk.

Each of the bills is tie-barred to the other, and to Senate Bill 674. That bill would create the "Breastfeeding Antidiscrimination Act", which would prohibit the denial of full and equal enjoyment of a place of public accommodation or public service to a woman because she was breastfeeding.

MCL 750.335a (H.B. 5591)
750.167 (H.B. 5592)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State government. With the exceptions provided under the bills, to the extent that violations under the current language are prosecuted, costs to local court systems would fall due to a reduction in caseload. Similarly, any current penal fine revenue, dedicated to public libraries, that is derived from these violations would be reduced.

Fiscal Analyst: John Maxwell

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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.