Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 465
Bill #: SB 49
Document ID #: 840
Bill Subject/Title: AN ACT relating to breast-feeding.
Sponsor: Senator Reginald Thomas
Unit of Government: X City County Urban-County Unified Local
X Charter County Consolidated Local Government
Office(s) Impacted: Local health departments
Requirement: <u>X</u> Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

Current law at KRS 211.755 authorizes a mother to breast feed her baby or express breast milk in any public or private location where the mother is allowed to be. The statute prohibits any person from interfering with such right and prohibits any city from enacting an ordinance that would prohibit or restrict such activity.

SB 49 would amend KRS 211.755 to require a mother whose statutory right to breast feed her baby or express milk in a public or private place where the mother and child are allowed to be, to report any person or municipality that interferes with that right. The bill would impose a fine of \$500 on a person or municipality for a first violation of a mother's right to breast feed or express milk and \$1,000 for each subsequent violation.

SB 49 would have an unquantifiable negative impact on local health departments and local governments. While a small portion of the costs of local health department environmental investigations is covered by the state, the majority of those costs and other local health department expenses are funded primarily by local tax dollars. The negative impact of SB

49 would vary widely depending on the area served by the local health department and the number of complaints that must be investigated. Health departments would need to hire and train new investigators, or train current investigators in other health department programs to investigate complaints of violations of SB 49. Local health department investigators would also need to work with the local judicial system to prosecute violations, at a cost ranging from less than \$100 for a complaint that does not result in prosecution, to several hundred dollars and staff time for a case that leads to court action.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to SB 49 as introduced. There is no prior introduced version of the bill to complete Part III.

Data Source(s):	Kentucky Health Departments Association; Director, Bourbon County
	Health Department

Preparer:Mary StephensReviewer:KHCDate:1/11/19