

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2344

Introduced by

Senators Marcellais, Bakke, Mathern, Oehlke

Representatives Conrad, Potter

1 A BILL for an Act to create and enact two new sections to chapter 23-12 of the North Dakota
2 Century Code, relating to breastfeeding; and to amend and reenact section 12.1-20-12.1 of the
3 North Dakota Century Code, relating to exempting the act of breastfeeding from the offense of
4 indecent exposure.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 12.1-20-12.1 of the North Dakota Century Code
7 is amended and reenacted as follows:

8 **12.1-20-12.1. Indecent exposure.**

- 9 1. A person, with intent to arouse, appeal to, or gratify that person's lust, passions, or
10 sexual desires, is guilty of a class A misdemeanor if that person:
- 11 a. Masturbates in a public place or in the presence of a minor; or
12 b. Exposes one's penis, vulva, or anus in a public place or to a minor in a public
13 or private place.
- 14 2. A person is guilty of a class C felony if the person violates subsection 1 after a
15 previous conviction for violating subsection 1, after a previous conviction for
16 violating section 12.1-20-12.2, or after being required to register under section
17 12.1-32-15.
- 18 3. A person who commits a violation of subsection 1 within fifty feet [15.24 meters] of
19 or on the real property comprising a public or nonpublic elementary, middle, or
20 high school is guilty of a class C felony. A person who commits a violation of
21 subsection 2 within fifty feet [15.24 meters] of or on the real property comprising a
22 public or nonpublic elementary, middle, or high school is guilty of a class B felony.
- 23 4. The act of a woman discreetly breastfeeding her child is not a violation of this
24 section.

1 **SECTION 2.** Two new sections to chapter 23-12 of the North Dakota Century Code are
2 created and enacted as follows:

3 **Right to breastfeed.** If the woman acts in a discreet and modest manner, a woman
4 may breastfeed her child in any location, public or private, where the woman and child are
5 otherwise authorized to be.

6 **Workplace breastfeeding policies - Infant friendly designation.**

- 7 1. An employer may use the designation "infant friendly" on its promotional materials
8 if the employer adopts a workplace breastfeeding policy that includes the following:
9 a. Flexible work scheduling, including scheduling breaks and permitting work
10 patterns that provide time for expression of breast milk;
11 b. A convenient, sanitary, safe, and private location, other than a restroom,
12 allowing privacy for breastfeeding or expressing breast milk;
13 c. A convenient clean and safe water source with facilities for washing hands
14 and rinsing breast-pumping equipment located in the private location
15 specified in subdivision b; and
16 d. A convenient hygienic refrigerator in the workplace for the temporary storage
17 of the mother's breast milk.
18 2. The state department of health shall establish guidelines for employers concerning
19 workplace breastfeeding and infant friendly designations.