

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.