

**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1105  
(Representatives Dobervich, P. Anderson, Buffalo, Hanson, Pyle)  
(Senators Bakke, Heckaman, Hogan, Mathern, Oban)

AN ACT to amend and reenact sections 12.1-20-12.1 and 23-12-16 of the North Dakota Century Code, relating to breastfeeding; and to provide a penalty.

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

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

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

1. ~~A person~~An individual, with intent to arouse, appeal to, or gratify that ~~person's~~individual's lust, passions, or sexual desires, is guilty of a class A misdemeanor if that ~~person~~individual:
  - a. Masturbates in a public place or in the presence of a minor;
  - b. Exposes ~~one's~~the individual's penis, vulva, or anus in a public place or to a minor in a public or private place;
  - c. Exposes ~~one's~~the individual's penis, vulva, or anus by unsolicited electronic means; or
  - d. Exposes ~~one's~~the individual's penis, vulva, or anus by any electronic means to a minor.
2. ~~A person~~An individual is guilty of a class C felony if the ~~person~~individual violates subsection 1 after a previous conviction for violating subsection 1, after a previous conviction for violating section 12.1-20-12.2, or after being required to register under section 12.1-32-15.
3. ~~A person~~An individual who commits a violation of subdivision a or b of subsection 1 within fifty feet [15.24 meters] of or on the real property comprising a public or nonpublic elementary, middle, or high school is guilty of a class C felony. ~~A person~~An individual who commits a violation of subsection 2 within fifty feet [15.24 meters] of or on the real property comprising a public or nonpublic elementary, middle, or high school is guilty of a class B felony.
4. ~~The act of a woman discreetly breastfeeding her child is not a violation of this section.~~
5. As used in this section, "electronic means" includes images and pictures transmitted via electronic mail, electronic messaging, or from an electronic communications device.

**SECTION 2. AMENDMENT.** Section 23-12-16 of the North Dakota Century Code is amended and reenacted as follows:

**23-12-16. Right to breastfeed.**

~~If the woman acts in a discreet and modest manner, a~~A woman may breastfeed her child in any location, public or private, where the woman and child are otherwise authorized to be.

\_\_\_\_\_  
Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1105.

House Vote:    Yeas 83            Nays 11            Absent 0

Senate Vote:    Yeas 47            Nays 0            Absent 0

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2021,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State