

**Sixty-first Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2344  
(Senators Marcellais, Bakke, Mathern, Oehlke)  
(Representatives Conrad, Potter)

AN ACT to create and enact two new sections to chapter 23-12 of the North Dakota Century Code, relating to breastfeeding; and to amend and reenact section 12.1-20-12.1 of the North Dakota Century Code, relating to exempting the act of breastfeeding from the offense of indecent exposure.

**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, with intent to arouse, appeal to, or gratify that person's lust, passions, or sexual desires, is guilty of a class A misdemeanor if that person:
  - a. Masturbates in a public place or in the presence of a minor; or
  - b. Exposes one's penis, vulva, or anus in a public place or to a minor in a public or private place.
2. A person is guilty of a class C felony if the person 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 who commits a violation 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 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.

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

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

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

1. An employer may use the designation "infant friendly" on its promotional materials if the employer adopts a workplace breastfeeding policy that includes the following:
  - a. Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for expression of breast milk;
  - b. A convenient, sanitary, safe, and private location, other than a restroom, allowing privacy for breastfeeding or expressing breast milk;

- c. A convenient clean and safe water source with facilities for washing hands and rinsing breast-pumping equipment located in the private location specified in subdivision b; and
  - d. A convenient hygienic refrigerator in the workplace for the temporary storage of the mother's breast milk.
2. The state department of health shall establish guidelines for employers concerning workplace breastfeeding and infant friendly designations.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2344.

Senate Vote:    Yeas    45        Nays    1        Absent    1

House Vote:    Yeas    82        Nays    5        Absent    7

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State