A BILL for 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, 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;
   b. Exposes one's penis, vulva, or anus in a public place or to a minor in a public or private place;
   c. Exposes one's penis, vulva, or anus by unsolicited electronic means; or
   d. Exposes one's penis, vulva, or anus by any electronic means to a minor.
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 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.
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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 - Penalty.

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. It is an infraction to prohibit or attempt to prohibit an individual from
breastfeeding as authorized under this section.