

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

468B0755

HOUSE BILL NO. 1245

Introduced by: Representatives Marty and Olson and Senators DiSanto and Jensen (Phil)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the right of a mother
2 to breastfeed her child.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-5-35 be amended to read:

5 25-5-35. A mother may breastfeed her child in a discreet or modest manner in any location,
6 public or private, where the mother and child are otherwise authorized to be present as long as
7 the mother is in compliance with all other state and municipal laws. ~~However, no~~ No
8 municipality may outright ban breastfeeding in public places. A person may not restrict or limit
9 the right of a mother to breastfeed her child.

10 Section 2. That § 22-24-1.2 be amended to read:

11 22-24-1.2. A person commits the crime of indecent exposure if, with the intent to arouse or
12 gratify the sexual desire of any person, the person exposes his or her genitals in a public place,
13 or in the view of a public place, under circumstances in which that person knows that person's
14 conduct is likely to annoy, offend, or alarm another person. A violation of this section is a Class
15 1 misdemeanor. However, if ~~such~~ the person has been previously convicted of a felony violation



1 of § 22-22-1, 22-22-7, or 22-24A-3, that person is guilty of a Class 6 felony. Any person
2 convicted of a third or subsequent violation of this section is guilty of a Class 6 felony. The act
3 of a woman breastfeeding her child, as described in § 25-5-35, is not a violation of this section.