

CS FOR SENATE BILL NO. 297(2d RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered: 5/6/98

Referred: Today's Calendar

Sponsor(s): SENATOR ELLIS

REPRESENTATIVES Croft, Kemplen

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to breast-feeding."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

4 (1) the medical profession in the United States recommends that children from
5 birth to the age of one year should be breast-fed unless, under particular circumstances, it is
6 medically inadvisable;

7 (2) in addition to the benefit of improving bonding between mothers and their
8 babies, breast-feeding offers better nutrition, digestion, and immunity for babies than does
9 formula-feeding, and it may increase the intelligence quotient of a child;

10 (3) babies who are breast-fed have lower rates of death, meningitis, childhood
11 leukemia and other cancers, diabetes, respiratory illnesses, bacterial and viral infections,
12 diarrheal diseases, otitis media, allergies, obesity, and developmental delays; and

13 (4) any promotion of family values should encourage public acceptance of this
14 most basic act of nurture between a mother and her baby, and a mother should not be made
15 to feel incriminated or socially ostracized for breast-feeding her child.

1 * **Sec. 2.** AS 01.10.060 is amended by adding a new subsection to read:

2 (b) In the laws of the state, "lewd conduct," "lewd touching," "immoral
3 conduct," "indecent conduct," and similar terms do not include the act of a woman
4 breast-feeding a child in a public or private location where the woman and child are
5 otherwise authorized to be. Nothing in this subsection may be construed to authorize
6 an act that is an offense under AS 11.61.123.

7 * **Sec. 3.** AS 29.10.200 is amended to read:

8 **Sec. 29.10.200. Limitation of home rule powers.** Only the following
9 provisions of this title apply to home rule municipalities as prohibitions on acting
10 otherwise than as provided. These provisions supersede existing and prohibit future
11 home rule enactments that provide otherwise:

- 12 (1) AS 29.05.140 (transition);
- 13 (2) AS 29.06.010 (change of municipal name);
- 14 (3) AS 29.06.040 - 29.06.060 (annexation and detachment);
- 15 (4) AS 29.06.090 - 29.06.170 (merger and consolidation);
- 16 (5) AS 29.06.190 - 29.06.420 (unification of municipalities);
- 17 (6) AS 29.06.450 - 29.06.530 (dissolution);
- 18 (7) AS 29.10.100 (charter amendment);
- 19 (8) AS 29.20.010 (conflict of interest);
- 20 (9) AS 29.20.020 (meetings public);
- 21 (10) AS 29.20.050 (legislative power);
- 22 (11) AS 29.20.060 - 29.20.120 (assembly composition and
23 apportionment);
- 24 (12) AS 29.20.140 (qualifications of members of governing bodies);
- 25 (13) AS 29.20.150 (term of office);
- 26 (14) AS 29.20.220 (executive power);
- 27 (15) AS 29.20.270(e) (ordinance veto by mayor);
- 28 (16) AS 29.20.630 (prohibited discrimination);
- 29 (17) AS 29.20.640 (reports);
- 30 (18) AS 29.25.010(a)(10) (municipal exemption on contractor bond
31 requirements);

- 1 (19) AS 29.25.050 (codification);
- 2 (20) AS 29.25.060 (resolutions);
- 3 (21) **AS 29.25.080 (breast-feeding);**
- 4 **(22)** AS 29.26.030 (notice of elections);
- 5 **(23)** [(22)] AS 29.26.050 (voter qualification);
- 6 **(24)** [(23)] AS 29.26.250 - 29.26.360 (recall);
- 7 **(25)** [(24)] AS 29.35.020 (extraterritorial jurisdiction);
- 8 **(26)** [(25)] AS 29.35.030 (eminent domain);
- 9 **(27)** [(26)] AS 29.35.050 (garbage and solid waste services);
- 10 **(28)** [(27)] AS 29.35.055 (local air quality control program);
- 11 **(29)** [(28)] AS 29.35.060 (franchises and permits);
- 12 **(30)** [(29)] AS 29.35.070 (public utilities);
- 13 **(31)** [(30)] AS 29.35.080 (alcoholic beverages);
- 14 **(32)** [(31)] AS 29.35.120 (post audit);
- 15 **(33)** [(32)] AS 29.35.131 (enhanced 911 system);
- 16 **(34)** [(33)] AS 29.35.145 (regulation of firearms);
- 17 **(35)** [(34)] AS 29.35.160 (education);
- 18 **(36)** [(35)] AS 29.35.170(b) (assessment and collection of taxes);
- 19 **(37)** [(36)] AS 29.35.180(b) (land use regulation);
- 20 **(38)** [(37)] AS 29.35.250 (cities inside boroughs);
- 21 **(39)** [(38)] AS 29.35.260 (cities outside boroughs);
- 22 **(40)** [(39)] AS 29.35.340 (acquisition of areawide power);
- 23 **(41)** [(40)] AS 29.35.500 - 29.35.590 (hazardous materials and wastes);
- 24 **(42)** [(41)] AS 29.40.160(a) - (c) (title to vacated areas);
- 25 **(43)** [(42)] AS 29.40.200 (subdivisions of state land);
- 26 **(44)** [(43)] AS 29.45.010 - 29.45.570 (property taxes);
- 27 **(45)** [(44)] AS 29.45.650(c), (d), (e), and (f) (sales and use tax);
- 28 **(46)** [(45)] AS 29.45.700(d) (sales and use tax);
- 29 **(47)** [(46)] AS 29.47.200(b) (security for bonds);
- 30 **(48)** [(47)] AS 29.47.260 (construction);
- 31 **(49)** [(48)] AS 29.47.470 (air carriers);

1 **(50)** [(49)] AS 29.60.050(a) (limitation on computation and use of
2 payment);

3 **(51)** [(50)] AS 29.60.120(a) and (c) (priority revenue sharing for health
4 facilities and hospitals);

5 **(52)** [(51)] AS 29.65 (general grant land);

6 **(53)** [(52)] AS 29.71.040 (procurement preference for state agricultural
7 and fisheries products);

8 **(54)** [(53)] AS 29.71.050 (procurement preference for recycled Alaska
9 products).

10 * **Sec. 4.** AS 29.25 is amended by adding a new section to read:

11 **Sec. 29.25.080. Breast-feeding.** A municipality may not enact an ordinance
12 that prohibits or restricts a woman breast-feeding a child in a public or private location
13 where the woman and child are otherwise authorized to be. In a municipal ordinance,
14 "lewd conduct," "lewd touching," "immoral conduct," "indecent conduct," and similar
15 terms do not include the act of a woman breast-feeding a child in a public or private
16 location where the woman and child are otherwise authorized to be. Nothing in this
17 section may be construed to authorize an act that is an offense under a municipal
18 ordinance that establishes an offense with elements substantially equivalent to the
19 elements of an offense under AS 11.61.123. This section is applicable to home rule
20 and general law municipalities.

21 * **Sec. 5.** AS 44.83.990(4) is amended to read:

22 (4) "person" includes a public agency in addition to the entities set out
23 in **AS 01.10.060(a)(8)** [AS 01.10.060(8)];