

WAGANAKISING ODAWAK STATUTE # 2012-013
RIGHT TO BREASTFEED AND CIVIL OFFENSE FOR DISCRIMINATION

SECTION I. PURPOSE

Little Traverse Bay Bands of Odawa Indians (LTBB) recognizes the importance of increasing the breastfeeding practice. The Tribe supports and promotes breastfeeding of children to ensure that children achieve an optimal healthy condition. Breast milk provides a better nutrition and higher immunity against diseases, is better to digest, and may increase the children's IQ.

SECTION II. RIGHT TO BREASTFEED

- A.** A mother may breastfeed her child on any Tribal property.
- B.** *Breastfeeding, prohibition of discriminatory practices.* Any direct or indirect act of exclusion, alienation, restriction, segregation, limitation, rejection, or any other act or practice of differentiation, including denying a person the total enjoyment of goods, services, facilities, privileges, advantages, and accommodations in any public or private place on Tribal Property which she attends, whether it is visited by the public or used for recreation, based on the fact that a mother is breastfeeding her child, shall constitute a discriminatory practice prohibited by this Statute and may result in a civil infraction.
- C.** Breastfeeding Discrimination shall be prohibited on any Tribal property and shall be deemed a civil offense.
- D.** A law officer has the authority to issue a notice of violation citation when:
- a.** When the violation is committed in the officer's presence;
 - b.** If an officer investigating the violation has reasonable cause to believe that the alleged violation has occurred.

E. *Breastfeeding is not a violation of the law.* A mother breastfeeding her child in any place, whether public or private, on Tribal property shall not be deemed as indecent exposure, obscene act or other punishable action established in the Tribe's Criminal Code or Sex Offense Statute, or as may be amended.

SECTION V SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION VI EFFECTIVE DATE

Effective upon the signature of the Executive, or 30 days from submission to the Executive Branch, or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on August 19, 2012 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Belinda Bardwell	X			
Bill A. Denemy	X			
Kevin Gasco	X			
John Keshick	X			
Aaron Otto	X			
Winnay Wemigwase	X			
John Bott	X			
Regina Gasco Bentley	X			
Melvin L. Kiogima	X			

Date: 8/19/12

 Legislative Leader Melvin L. Kiogima

Date: 8-19-12

 Regina Gasco Bentley, Secretary

Received by the Executive Office on 8-20-12 by _____

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 9-18-12

 Dexter McNamara, Tribal Chairperson

