

# ASSEMBLY, No. 3008

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

Assemblywoman **ANDREA KATZ**  
District 8 (Atlantic and Burlington)  
Assemblyman **MICHAEL VENEZIA**  
District 34 (Essex)

**Co-Sponsored by:**

Assemblyman Stanley

**SYNOPSIS**

Requires certain health care facilities to offer lactation counseling and consultations to persons who have given birth.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/4/2024)

1 AN ACT concerning lactation counseling and consultation and  
2 supplementing Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. a. Every hospital that provides inpatient maternity services  
8 and every birthing center licensed in the State pursuant to P.L.1971,  
9 c.136 (C.26:2H-1 et seq.) shall offer a person who has given birth at  
10 the hospital or birthing center:

11 (1) at least one in-person, one-on-one consultation with a  
12 lactation counselor or lactation consultant prior to that person's  
13 discharge from the hospital or birthing center; or

14 (2) lactation counseling or consultation with a lactation  
15 counselor or lactation consultant conducted remotely through live  
16 voice communication, if requested.

17 b. The counseling provided by the lactation counselor or  
18 lactation consultant pursuant to subsection a. of this section shall  
19 comprise of:

20 (1) breastfeeding education and support services, including  
21 educating the person who has given birth and the person's family  
22 about the impact of breastfeeding and human lactation on health and  
23 what to expect in the normal course of breastfeeding;

24 (2) advocacy for breastfeeding as the norm for feeding infants  
25 and young children;

26 (3) breastfeeding support and encouragement in order to help  
27 the person who has given birth meet their breastfeeding goals;

28 (4) the implementation of a lactation care plan for, and the  
29 provision of lactation education to, the person who has given birth  
30 including demonstration and instruction on how to breast feed;

31 (5) recommendations on the use of assistive devices, including  
32 nipple shields and supplemental nursing systems, and instruction on  
33 how to use and purchase such devices; and

34 (6) the distribution of informational literature on breastfeeding,  
35 including, but not limited to, information on the health benefits of  
36 breastfeeding.

37 c. In no case shall an individual who has been licensed or  
38 certified as an "International Board Certified Lactation Consultant  
39 (IBCLC)," and who provides lactation consultant services in a  
40 hospital or birthing center, licensed pursuant to P.L.1971, c.136  
41 (C.26:2H-1 et seq.), be required to be licensed as a registered nurse.

42 d. In no case shall a lactation consultant assigned to provide  
43 lactation support during a hospital shift be reassigned to non-  
44 lactation related duties during the same hospital shift.

45

46 2. As used in this act:

47 a. "Lactation consultant" means an individual or a licensed  
48 health care provider who is:

1 (1) qualified to use the credential, “International Board Certified  
2 Lactation Consultant (IBCLC),” denoting certification as a lactation  
3 consultant conferred by the International Board of Lactation  
4 Consultant Examiners; and

5 (2) demonstrates core competencies for the initiation and  
6 maintenance of infant feeding that are developed using evidence-  
7 based reference materials including, but not limited to,  
8 “Implementing the Joint Commission Perinatal Care Core Measure  
9 on Exclusive Breastmilk Feeding,” or any superseding standards .

10 b. “Lactation counselor” means an individual or a licensed  
11 health care provider who is:

12 (1) licensed or certified to practice lactation counseling under  
13 any law, or who is an accredited member belonging to another  
14 profession or occupation, who provides breastfeeding education and  
15 support services for which that person is licensed, regulated,  
16 accredited, or certified;

17 (2) an individual who possesses current certification as a  
18 Certified Lactation Counselor; or

19 (3) a community-based lactation supporter who has received at  
20 least 40 hours of specialty education in breastfeeding and lactation,  
21 and who works within a lactation counselor’s scope of practice.  
22

23 3. The Department of Health shall adopt rules and regulations,  
24 pursuant to the provisions of the "Administrative Procedure Act,"  
25 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of  
26 this act.  
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28 4. This act shall take effect on the first day of the sixth month  
29 next following the date of enactment.  
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31  
32 STATEMENT  
33

34 This bill requires every hospital that provides inpatient maternity  
35 services and every birthing center licensed in the State pursuant to  
36 P.L.1971, c.136 (C.26:2H-1 et seq.) to offer a person who has given  
37 birth at the hospital or birthing center: (1) at least one in-person,  
38 one-on-one consultation with a lactation counselor or consultant  
39 prior to that person’s discharge from the hospital or birthing center;  
40 or (2) lactation counseling or consultation with a lactation counselor  
41 or consultant conducted remotely through live voice  
42 communication, if appropriate.

43 The counseling provided by the lactation counselor or lactation  
44 consultant is to comprise of: (1) breastfeeding education and  
45 support services, including educating the person who has given  
46 birth and the person’s family about the impact of breastfeeding and  
47 human lactation on health and what to expect in the normal course  
48 of breastfeeding; (2) advocacy for breastfeeding as the norm for

1 feeding infants and young children; (3) breastfeeding support and  
2 encouragement in order to help the person who has given birth meet  
3 their breastfeeding goals; (4) the implementation of a lactation care  
4 plan for, and the provision of lactation education to, the person who  
5 has given birth including demonstration and instruction on how to  
6 breastfeed; (5) recommendations on assistive devices, including  
7 nipple shields and supplemental nursing systems, and how to use  
8 and purchase such devices; and (6) the distribution of informational  
9 literature on breastfeeding, including, but not limited to,  
10 information on the health benefits of breastfeeding.

11 The bill provides that a hospital that assigns a lactation  
12 consultant to lactation support duties may not reassign the  
13 consultant to non-lactation related duties during the same hospital  
14 shift.

15 As used in the bill, “lactation consultant” means an individual or  
16 a licensed health care provider who is: qualified to use the  
17 credential “IBCLC,” denoting certification as a lactation consultant  
18 as conferred by the International Board of Lactation Consultant  
19 Examiners,” and has demonstrated core competencies for the  
20 initiation and maintenance of infant feeding that are developed  
21 using evidence-based reference materials, including, but not limited  
22 to, “Implementing the Joint Commission Perinatal Care Core Measure  
23 on Exclusive Breastmilk Feeding,” or any superseding standards.  
24 “Lactation counselor” means an individual or a licensed health care  
25 provider who is: (1) licensed or certified to practice lactation  
26 counseling under any law, or who is an accredited member  
27 belonging to another profession or occupation, who provides  
28 breastfeeding education and support services for which that person  
29 is licensed, regulated, accredited, or certified; (2) an individual who  
30 possesses current certification as a Certified Lactation Counselor; or  
31 (3) a community-based lactation supporter who has received at least  
32 40 hours of specialty education in breastfeeding and lactation, and  
33 who works within a lactation counselor’s scope of practice.