

SENATE, No. 1099

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator BRITNEE N. TIMBERLAKE

District 34 (Essex)

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.



S1099 TIMBERLAKE

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

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

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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.

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46 2. As used in this act:

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

S1099 TIMBERLAKE

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.

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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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STATEMENT

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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

S1099 TIMBERLAKE

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.