LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 5404

STATE OF NEW JERSEY
222nd LEGISLATURE

DATED: OCTOBER 30, 2026

SUMMARY

Synopsis: Establishes "Midwifery Licensing Act."

Type of Impact: Annual State cost increases; potential annual State revenue impacts.

Agencies Affected: Department of Law and Public Safety.

Office of Legislative Services Estimate

Fiscal Impact	Year 1	Year 2 and Thereafter
State Expenditure Increase	Indeterminate	Indeterminate
Potential State Revenue Impact	Indeterminate	Indeterminate

- The Office of Legislative Services (OLS) finds that the bill will result in indeterminate initial workload costs to the State to establish the new State Board of Midwifery and transfer licenses from the State Board of Medical Examiners to the new board. Thereafter, additional annual operating expenditures associated with the licensure and regulation of certified midwives, certified nurse midwives, and certified professional midwives will accrue to the new State Board of Midwifery to the extent that its overhead costs are higher than that of the current board overseeing these professions.

- As the board is required statutorily to pay for its operating expenses out of its fee collections, the OLS notes that the board may adjust its license fee amounts, if necessary, to account for any changes in its finances due to establishing the freestanding State Board of Midwifery. The OLS cannot determine what, if any, impact the bill will have on State revenue collections as this will depend on the operating decisions of the newly established board.

BILL DESCRIPTION

This bill modifies State regulation of midwives. Specifically, the bill repeals the current law requiring approval for licensure of midwives by the State Board of Medical Examiners, removes

the midwife member from the board, dissolves the Midwifery Liaison Committee, and establishes a State Board of Midwifery.

The board is to consist of 11 members and will oversee the licensure of certified midwives, certified nurse midwives, and certified professional midwives.

The bill: 1) delineates the responsibilities of the board, which include the approval of licensure applications, maintenance of records of each licensee, and recognition of entities accrediting midwifery education programs and national entities issuing midwifery certifications; 2) establishes continuing education requirements, directs the board to establish the continuing education in certain subjects, and guides licensees and the board regarding excess continuing education credits earned in a biennial period; 3) requires applicants to meet certain standards to qualify for a license; 4) authorizes the State Board of Midwifery to grant individuals currently licensed as certified midwives, certified nurse midwives, and certified professional midwives by the State Board of Medical Examiners a license at that same level; 5) stipulates requirements midwives are to meet in order to provide services; 6) incorporates under what circumstances a licensed midwife may be disciplined; 7) delineates the requirements for a licensed midwife to establish a standalone practice to provide midwifery services; 8) requires the annual submission of various data from licensed midwives; and 9) establishes the limits of medical malpractice liability insurance needed for licensed midwives.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

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State Expenditures: The practice of midwifery is currently licensed and regulated under the State Board of Medical Examiners in the Division of Consumer Affairs. Under current regulations, the Midwifery Liaison Committee under the supervision of the State Board of Medical Examiners oversees the midwifery licensees. Under the provisions of this bill, this responsibility will be transferred to the newly established State Board of Midwifery. Under current law, members of professional boards are generally compensated on a per diem basis in the amount of $25, or another amount determined by the Office of the Attorney General with the approval of the Department of the Treasury that does not exceed $100 per diem, or $2,500 annually.

State Revenue: The bill will result in continued State revenue collections from licensure and registration fees, fines, and penalties in indeterminate amounts. As of June 2026, there were 25 individuals holding certified professional midwife licenses, 458 individuals holding certified nurse midwife licenses, and 13 individuals holding a certified midwife license. The application fee under

the State Board of Medical Examiners is $125. The initial license and renewal fee is $270, and the license is required to be renewed every two years.

The OLS cannot quantify the fee payments the new board may collect from the licensing and renewal requirements because the bill leaves the setting of specific fee levels to the board's discretion. Current law requires that certain State regulatory boards are to be self-sustaining from the fees they collect while not operating at a surplus.

The OLS anticipates that the State may annually collect indeterminate fines and penalty payments from violators of statutory and regulatory requirements applicable to the profession, similar to current practice.

Section: *Law and Public Safety*

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).