

Title 26.
Chapter 4C.
(New)
Lactation Rooms
§§1-3 -
C.26:4C-1 to
C.26:4C-3

(CORRECTED COPY)
P.L. 2019, CHAPTER 242, *approved August 15, 2019*
Senate, No. 1735

1 **AN ACT** concerning lactation rooms and policies and supplementing
2 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. As used in this act:
8 “Department” means the Department of Health.
9 “Health care facility” means a health care facility that is licensed
10 by the department pursuant to the “Health Care Facilities Planning
11 Act,” P.L.1971, c.136 (C.26:2H-1 et seq.).
12 “Lactation room” means a sanitary room, other than a restroom,
13 which can be used by a mother to breast feed her baby or express
14 milk in private, and which includes an electrical outlet, a chair, and
15 nearby access to running water.
16 “Medical Assistance Customer Center” means a community-
17 based office that is operated by the Division of Medical Assistance
18 and Health Services in the Department of Human Services.
19 “One-Stop Career Center” means the same as that term is defined
20 by section 3 of P.L.1992, c.43 (C.34:15D-3).
21
22 2. a. Every health care facility; federally qualified health
23 center; county or municipal welfare office or agency; Medical
24 Assistance Customer Center (MACC); One-Stop Career Center
25 operated by, or under the authority of, the Department of Labor and
26 Workforce Development; adoption agency or center operated by, or
27 under the authority of, the Division of Child Protection and
28 Permanency in the Department of Children and Families; foster care
29 services agency contracted by the Division of Child Protection and
30 Permanency; or local office of the Division of Child Protection and
31 Permanency, shall, where practicable, make at least one lactation
32 room available, upon request, to any mother who is utilizing on-site
33 services. The presence of any such lactation room shall not
34 abrogate or otherwise limit the mother’s right to breast feed her
35 baby in public, as provided by section 2 of P.L.1997, c.101
36 (C.26:4B-4).

1 b. The department shall create signage that: (1) contains
2 information about breast feeding; (2) affirms a mother's right to
3 nurse in public, as provided by section 2 of P.L.1997, c.101
4 (C.26:4B-4); and (3) indicates that lactation rooms are being made
5 available for the privacy and comfort of nursing mothers, pursuant
6 to this act. Such signage shall be distributed directly to the various
7 facilities identified in subsection a. of this section, and shall
8 additionally be posted, in a printable format, on the department's
9 Internet website. A facility that is required to provide a lactation
10 room pursuant to subsection a. of this section shall display the
11 signage prepared under this subsection in a clear and conspicuous
12 manner in the facility's public waiting room, as well as in any
13 lactation room that is made available pursuant to this act.

14 c. No later than one year after the effective date of this act, the
15 department shall establish, and shall post at a publicly accessible
16 location on its Internet website, a list of all facilities that have made
17 lactation rooms available pursuant to this section. Thereafter, the
18 department shall make regular updates to the list, as may be
19 necessary to ensure that it reflects the most up-to-date information
20 on the availability of lactation rooms in the State. The list
21 established pursuant to this subsection shall additionally include a
22 hyperlink to the reports on school lactation-related policies that
23 have been posted on the Department of Education website in
24 accordance with the provisions of section 3 of this act.

25 d. The department may adopt rules and regulations, pursuant to
26 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
27 et seq.), to implement the provisions of this section, including rules
28 and regulations that establish guidelines for the location and
29 placement of lactation rooms within a facility, and rules and
30 regulations that establish training requirements for staff who are
31 employed at a facility where a lactation room is required.

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33 3. a. Within one year following the effective date of this act,
34 and on an annual basis thereafter, the Department of Education shall
35 evaluate, and report to the Governor and, pursuant to section 2 of
36 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, on the lactation-
37 related policies that have been implemented at schools, colleges,
38 and universities in the State.

39 b. Each report submitted pursuant to this section shall: (1)
40 summarize the applicable policies in this area; (2) indicate the
41 number and percentage of policies that authorize access to a
42 designated lactation room; and (3) indicate the manner in which
43 such policies were communicated to students, parents, and
44 guardians during the preceding school year.

45 c. Each report submitted pursuant to this section shall be
46 posted at a publicly-accessible location on the Department of
47 Education's Internet website.

1 4. This act shall take effect immediately.

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STATEMENT

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6 This bill would require every health care facility; federally
7 qualified health center; county or municipal welfare office or
8 agency; Medical Assistance Customer Center (MACC); One-Stop
9 Career Center operated by, or under the authority of, the
10 Department of Labor and Workforce Development; adoption agency
11 or center operated by, or under the authority of, the Division of
12 Child Protection and Permanency in the Department of Children
13 and Families; foster care agency contracted by the Division of Child
14 Protection and Permanency; or local office of the Division of Child
15 Protection and Permanency, where practicable, to make at least one
16 lactation room available, upon request, to any mother who is
17 utilizing on-site services. The presence of any such lactation room
18 would not abrogate or otherwise limit the mother's right to breast
19 feed her baby in public, as provided by existing law.

20 The bill would require the Department of Health (DOH) to create
21 signage that: contains information about breast feeding; affirms a
22 mother's right to nurse in public; and indicates that lactation rooms
23 are being made available for the privacy and comfort of nursing
24 mothers, pursuant to the bill's provisions. Such signage is to be
25 distributed directly to the various facilities identified in the bill, and
26 is also to be posted, in a printable format, on the department's
27 Internet website. A facility that is required to provide a lactation
28 room pursuant to the bill's provisions would be required to display
29 the prepared signage in a clear and conspicuous manner in the
30 facility's public waiting room, as well as in any lactation room that
31 is made available.

32 No later than one year after the bill's effective date, the DOH
33 would be required to establish, and post at a publicly accessible
34 location on its Internet website, a list of all facilities that have made
35 lactation rooms available pursuant to the bill's provisions.
36 Thereafter, the DOH would be required to make regular updates to
37 the list, as may be necessary to ensure that it reflects the most up-
38 to-date information on the availability of lactation rooms in the
39 State.

40 The bill would additionally require the Department of Education
41 (DOE) to annually report to the Governor and Legislature on the
42 lactation-related policies that have been implemented at schools,
43 colleges, and universities in the State. Each annual report is to:
44 summarize the applicable policies in this area; indicate the number
45 and percentage of policies that authorize access to a designated
46 lactation room; and indicate the manner in which such policies were
47 communicated to students, parents, and guardians during the
48 preceding school year. Each report would be posted at a publicly-

1 accessible location on the DOE's Internet website, and a hyperlink
2 to the DOE reports would also be included in the list of facilities
3 that is posted on the DOH website.

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8 Requires certain public facilities and offices to provide on-site
9 lactation room; DOH to provide information about lactation room
10 availability; and DOE to provide information on lactation policies
11 in schools.