

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1735
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: JUNE 12, 2018

SUMMARY

- Synopsis:** Requires certain public facilities and offices to provide on-site lactation room; DOH to provide information about lactation room availability; and DOE to provide information on lactation policies in schools.
- Type of Impact:** Indeterminate Expenditure Increase; General Fund.
- Agencies Affected:** Department of Health; Department of Education; Department of Human Services; Department of Labor and Workforce Development; Department of Children and Families; certain local units.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost	Indeterminate increase.
Local Cost	Indeterminate increase.

- The Office of Legislative Services (OLS) concludes the bill may increase State costs incurred by the Department of Health (DOH) and the Department of Education (DOE) in fulfilling certain administrative and reporting requirements of the bill. However, without information from the Executive, the OLS cannot quantify these costs
- The OLS predicts that most facilities required to make a lactation room available under the bill will not incur any expense in fulfilling this provision. It is likely that any costs incurred by these State and local entities due to this provision will be insignificant.

BILL DESCRIPTION

This bill would require every health care facility; federally qualified health center; county or municipal welfare office or agency; Medical Assistance Customer Center; One-Stop Career Center operated by, or under the authority of, the Department of Labor and Workforce Development; adoption agency or center operated by, or under the authority of, the Division of Child Protection and Permanency in the Department of Children and Families; foster care agency

contracted by the Division of Child Protection and Permanency; or local office of the Division of Child Protection and Permanency, where practicable, to make at least one lactation room available, upon request, to any mother who is utilizing on-site services.

The bill would require the DOH to create signage that: contains information about breast feeding; affirms a mother's right to nurse in public; and indicates that lactation rooms are being made available for the privacy and comfort of nursing mothers, pursuant to the bill's provisions. Such signage is to be distributed directly to the various facilities identified in the bill, and is also to be posted, in a printable format, on the department's Internet website.

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

The bill would additionally require the DOE to annually report to the Governor and Legislature on the lactation-related policies that have been implemented at schools, colleges, and universities in the State. Each annual report is to: summarize the applicable policies in this area; indicate the number and percentage of policies that authorize access to a designated lactation room; and indicate the manner in which such policies were communicated to students, parents, and guardians during the preceding school year. Each report would be posted at a publicly-accessible location on the DOE's Internet website, and a hyperlink to the DOE reports would also be included in the list of facilities that is posted on the DOH website.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes the bill may increase State costs incurred by the DOH and the DOE in fulfilling certain administrative and reporting requirements of the bill. However, without information from the Executive, the OLS cannot quantify these costs.

The bill provides for two one-time costs for the DOH: 1) the creation and distribution of an informational sign, as described in the bill; and 2) the establishment of a publicly posted list of facilities with lactation rooms available pursuant to the bill's provisions. The ongoing maintenance of the lactation room list to reflect the most up-to-date information on the availability of lactation rooms could likely be performed at a marginal cost to the department's current operating budget.

Annual expenses associated with this bill include the issuing of an annual report, as outlined in the bill, by the DOE. It may be possible for the DOE to gather the data required within the report using an existing system, thereby minimizing costs.

The OLS predicts that most facilities required to make a lactation room available under the bill will not incur any expense in fulfilling this provision. It is likely that any costs incurred by these State and local entities due to this provision will be insignificant. Under the bill, a lactation room means a sanitary room, other than a restroom, which can be used by a mother to breast feed her baby or express milk in private, and which includes an electrical outlet, a chair, and nearby access to

running water. Based upon this definition, the OLS concludes that most facilities will not need to create a lactation room, but instead designate an existing space that meets the bill's definition and that can be available upon request as a lactation room. Furthermore, under the bill, a lactation room is required only where practical; therefore, a facility may choose not to create one it will incur significant costs in doing so.

The OLS notes that P.L.2017, c.263, approved January 8, 2018, provides that breastfeeding is a protected act under the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.). Under the law, employers must provide a private room for women to express milk or breastfeed, and allow breaks during the day for such purposes. The federal 2010 "Patient Protection and Affordable Care Act," Pub. L. 111-148, provides similar protections to breast-feeding mothers, but only applies to employers with 50 or more workers. It is possible, therefore, that facilities under the bill required to make a lactation room available to consumers may have already done so for their employees, in compliance with these existing laws.

Section: Human Services

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