

# SENATE, No. 1735

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Assemblywoman ELIANA PINTOR MARIN**

**District 29 (Essex)**

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**District 4 (Camden and Gloucester)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

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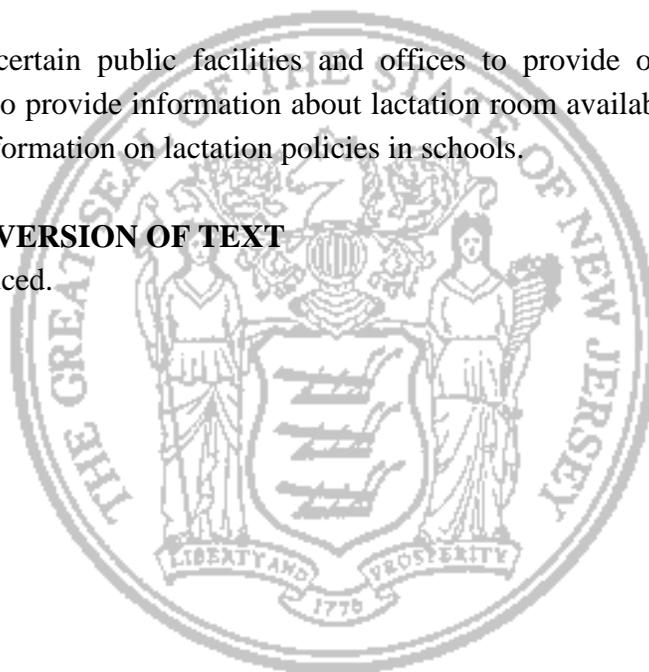
**Assemblywomen McKnight, Vainieri Huttle, Assemblyman Conaway,  
Assemblywomen Speight and Downey**

**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.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/24/2019)**

1 AN ACT concerning lactation rooms and policies and supplementing  
2 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. 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).

37 b. The department shall create signage that: (1) contains  
38 information about breast feeding; (2) affirms a mother’s right to  
39 nurse in public, as provided by section 2 of P.L.1997, c.101  
40 (C.26:4B-4); and (3) indicates that lactation rooms are being made  
41 available for the privacy and comfort of nursing mothers, pursuant  
42 to this act. Such signage shall be distributed directly to the various  
43 facilities identified in subsection a. of this section, and shall  
44 additionally be posted, in a printable format, on the department’s  
45 Internet website. A facility that is required to provide a lactation  
46 room pursuant to subsection a. of this section shall display the  
47 signage prepared under this subsection in a clear and conspicuous

1 manner in the facility's public waiting room, as well as in any  
2 lactation room that is made available pursuant to this act.

3 c. No later than one year after the effective date of this act, the  
4 department shall establish, and shall post at a publicly accessible  
5 location on its Internet website, a list of all facilities that have made  
6 lactation rooms available pursuant to this section. Thereafter, the  
7 department shall make regular updates to the list, as may be  
8 necessary to ensure that it reflects the most up-to-date information  
9 on the availability of lactation rooms in the State. The list  
10 established pursuant to this subsection shall additionally include a  
11 hyperlink to the reports on school lactation-related policies that  
12 have been posted on the Department of Education website in  
13 accordance with the provisions of section 3 of this act.

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

21  
22 3. a. Within one year following the effective date of this act,  
23 and on an annual basis thereafter, the Department of Education shall  
24 evaluate, and report to the Governor and, pursuant to section 2 of  
25 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, on the lactation-  
26 related policies that have been implemented at schools, colleges,  
27 and universities in the State.

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

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

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38 4. This act shall take effect immediately.

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#### STATEMENT

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43 This bill would require every health care facility; federally  
44 qualified health center; county or municipal welfare office or  
45 agency; Medical Assistance Customer Center (MACC); One-Stop  
46 Career Center operated by, or under the authority of, the  
47 Department of Labor and Workforce Development; adoption agency  
48 or center operated by, or under the authority of, the Division of

1 Child Protection and Permanency in the Department of Children  
2 and Families; foster care agency contracted by the Division of Child  
3 Protection and Permanency; or local office of the Division of Child  
4 Protection and Permanency, where practicable, to make at least one  
5 lactation room available, upon request, to any mother who is  
6 utilizing on-site services. The presence of any such lactation room  
7 would not abrogate or otherwise limit the mother's right to breast  
8 feed her baby in public, as provided by existing law.

9 The bill would require the Department of Health (DOH) to create  
10 signage that: contains information about breast feeding; affirms a  
11 mother's right to nurse in public; and indicates that lactation rooms  
12 are being made available for the privacy and comfort of nursing  
13 mothers, pursuant to the bill's provisions. Such signage is to be  
14 distributed directly to the various facilities identified in the bill, and  
15 is also to be posted, in a printable format, on the department's  
16 Internet website. A facility that is required to provide a lactation  
17 room pursuant to the bill's provisions would be required to display  
18 the prepared signage in a clear and conspicuous manner in the  
19 facility's public waiting room, as well as in any lactation room that  
20 is made available.

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

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