

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1735

STATE OF NEW JERSEY

DATED: JUNE 11, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1735.

This bill requires every health care facility; federally qualified health center; county or municipal welfare office or agency; Medical Assistance Customer Center (MACC); 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 presence of any such lactation room would not abrogate or otherwise limit the mother's right to breast feed her baby in public, as provided by existing law.

The bill requires the Department of Health (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. A facility that is required to provide a lactation room pursuant to the bill's provisions is required to display the prepared signage in a clear and conspicuous manner in the facility's public waiting room, as well as in any lactation room that is made available.

No later than one year after the bill's effective date, the DOH is 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 is 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 requires the Department of Education (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 is to 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 IMPACT:

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 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. 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, a lactation room is required only where practical; therefore, a facility may choose not to create one if it will incur significant costs in doing so.

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. 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.