

ASSEMBLY, No. 6004

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 15, 2021

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

SYNOPSIS

Requires certain health care facilities to offer consultations with lactation counselors to persons who have given birth.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/2/2021)

1 AN ACT concerning lactation consultation and supplementing Title
2 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. a. Every hospital that provides inpatient maternity services
8 and every birthing center licensed in the State pursuant to P.L.1971,
9 c.136 (C.26:2H-1 et seq.) shall offer a person who has given birth at
10 the hospital or birthing center:

11 (1) at least one in-person, one-on-one consultation with a
12 lactation counselor prior to that person's discharge from the
13 hospital or birthing center; or

14 (2) lactation counseling or a consultation with a lactation
15 counselor conducted remotely through live voice communication, if
16 requested.

17 b. The counseling provided by the lactation counselor pursuant
18 to subsection a. of this section shall comprise of:

19 (1) breastfeeding education and support services, including
20 educating the person who has given birth and the person's family
21 about the impact of breastfeeding and human lactation on health and
22 what to expect in the normal course of breastfeeding;

23 (2) advocacy for breastfeeding as the norm for feeding infants
24 and young children;

25 (3) breastfeeding support and, encouragement during weaning in
26 order to help the person who has given birth meet their
27 breastfeeding goals;

28 (4) the implementation of a lactation care plan for, and the
29 provision of lactation education to, the person who has given birth
30 including demonstration and instruction on how to breast feed;

31 (5) recommendations on assistive devices, including, but not
32 limited to breast milk pumps, and how to use and purchase such
33 devices; and

34 (6) the distribution of informational literature on breastfeeding,
35 including, but not limited to, information on the health benefits of
36 breastfeeding.

37 c. As used in this section:

38 "Lactation counselor" means an individual or a licensed health
39 care provider who is:

40 (1) licensed or certified to practice lactation counseling under
41 any law, or who is an accredited member belonging to another
42 profession or occupation, who provides breastfeeding education and
43 support services for which that person is licensed, regulated,
44 accredited, or certified; or

45 (2) a community-based lactation supporter who has received at
46 least 40 hours of specialty education in breastfeeding and lactation,
47 and who works within a lactation counselor's scope of practice.

1 2. The Department of Health shall adopt rules and regulations,
2 pursuant to the provisions of the "Administrative Procedure Act,"
3 P.L.1968, c.410 22 (C.52:14B-1 et seq.), to effectuate the purposes
4 of this act.

5
6 3. This act shall take effect on the first day of the sixth month
7 next following the date of enactment.

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10 STATEMENT

11
12 This bill requires every hospital that provides inpatient maternity
13 services and every birthing center licensed in the State pursuant to
14 P.L.1971, c.136 (C.26:2H-1 et seq.) to offer a person who has given
15 birth at the hospital or birthing center: (1) at least one in-person,
16 one-on-one consultation with a lactation counselor prior to that
17 person's discharge from the hospital or birthing center; or (2)
18 lactation counseling or a consultation with a lactation counselor
19 conducted remotely through live voice communication, if
20 appropriate.

21 The counseling provided by the lactation counselor is to
22 comprise of: (1) breastfeeding education and support services,
23 including educating the person who has given birth and the person's
24 family about the impact of breastfeeding and human lactation on
25 health and what to expect in the normal course of breastfeeding; (2)
26 advocacy for breastfeeding as the norm for feeding infants and
27 young children; (3) breastfeeding support and, encouragement
28 during weaning in order to help the person who has given birth meet
29 their breastfeeding goals; (4) the implementation of a lactation care
30 plan for, and the provision of lactation education to, the person who
31 has given birth including demonstration and instruction on how to
32 breast feed; (5) recommendations on assistive devices, including,
33 but not limited to breast milk pumps, and how to use and purchase
34 such devices; and (6) the distribution of informational literature on
35 breastfeeding, including, but not limited to, information on the
36 health benefits of breastfeeding.

37 As used in the bill, "lactation counselor" means an individual or
38 a licensed health care provider who is : licensed or certified to
39 practice lactation counseling under any law, or who is an accredited
40 member belonging to another profession or occupation, who
41 provides breastfeeding education and support services for which
42 that person is licensed, regulated, accredited, or certified; or
43 community-based lactation supporter who has received at least 40
44 hours of specialty education in breastfeeding and lactation, and who
45 works within a lactation counselor's scope of practice.