

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 821

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 2, 2022

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 821 (1R).

As amended by the committee, this bill requires every hospital that provides inpatient maternity services and every birthing center licensed in the State pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) to offer a person who has given birth at the hospital or birthing center: (1) at least one in-person, one-on-one consultation with a lactation counselor or consultant prior to that person's discharge from the hospital or birthing center; or (2) lactation counseling or consultation with a lactation counselor or consultant conducted remotely through live voice communication, if appropriate.

As amended, the counseling provided by the lactation counselor or lactation consultant is to comprise of: (1) breastfeeding education and support services, including educating the person who has given birth and the person's family about the impact of breastfeeding and human lactation on health and what to expect in the normal course of breastfeeding; (2) advocacy for breastfeeding as the norm for feeding infants and young children; (3) breastfeeding support and encouragement in order to help the person who has given birth meet their breastfeeding goals; (4) the implementation of a lactation care plan for, and the provision of lactation education to, the person who has given birth including demonstration and instruction on how to breastfeed; (5) recommendations on assistive devices, including nipple shields and supplemental nursing systems, and how to use and purchase such devices; and (6) the distribution of informational literature on breastfeeding, including, but not limited to, information on the health benefits of breastfeeding.

As amended, the bill provides that a hospital that assigns a lactation consultant to lactation support duties may not reassign the consultant to non-lactation related duties during the same hospital shift.

As used in the bill, "lactation consultant" means an individual or a licensed health care provider who is: qualified to use the credential "IBCLC," denoting certification as a lactation consultant as

conferred by the International Board of Lactation Consultant Examiners,” and has demonstrated core competencies for the initiation and maintenance of infant feeding that are developed using evidence-based reference materials, including, but not limited to, “Implementing the Joint Commission Perinatal Care Core Measure on Exclusive Breastmilk Feeding,” or any superseding standards. “Lactation counselor” means an individual or a licensed health care provider who is: (1) licensed or certified to practice lactation counseling under any law, or who is an accredited member belonging to another profession or occupation, who provides breastfeeding education and support services for which that person is licensed, regulated, accredited, or certified; (2) an individual who possesses current certification as a Certified Lactation Counselor; or (3) a community-based lactation supporter who has received at least 40 hours of specialty education in breastfeeding and lactation, and who works within a lactation counselor’s scope of practice.

COMMITTEE AMENDMENTS:

The committee amendments:

- 1) allow hospitals that provide inpatient maternity services and birthing centers to provide the consultation or remote lactation counseling or consultation required by the bill with either a lactation counselor or lactation consultant;
- 2) remove a provision of the bill concerning lactation consultant staffing ratios and move a provision of the bill concerning the assigned duties of lactation consultants during hospital shifts to another section of the bill;
- 3) define “lactation counselor” and
- 4) make various technical changes concerning formatting, adding missing language, and updating the title and synopsis.