

SENATE, No. 1735

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

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District 29 (Essex)

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.



1 AN ACT concerning lactation rooms and policies and supplementing
2 Title 26 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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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.

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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.