

HOUSE No. 3496

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to improve breastfeeding care.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------------|-----------------------|------------------|
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>1/15/2019</i> |
| <i>William J. Driscoll, Jr.</i> | <i>7th Norfolk</i> | <i>1/31/2019</i> |
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> | <i>2/1/2019</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/1/2019</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>1/25/2019</i> |
| <i>Bradford Hill</i> | <i>4th Essex</i> | <i>1/29/2019</i> |
| <i>Alice Hanlon Peisch</i> | <i>14th Norfolk</i> | <i>1/31/2019</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> | <i>1/31/2019</i> |
| <i>Tommy Vitolo</i> | <i>15th Norfolk</i> | <i>2/1/2019</i> |

HOUSE No. 3496

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 3496) of Marjorie C. Decker and others relative to the practice of lactation care and services. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to improve breastfeeding care.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 11A of chapter 13 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out the first paragraph and inserting in place
3 thereof the following paragraph:-

4 There shall be a board of allied health professions, hereinafter called the board, which
5 shall consist of 12 members to be appointed by the governor. Members of the board shall be
6 residents of the commonwealth and citizens of the United States. Three of such members shall be
7 athletic trainers licensed in accordance with section 23B of chapter 112; 2 of such members shall
8 be occupational therapists licensed in accordance with said section 23B; 1 such member shall be
9 an occupational therapy assistant licensed in accordance with said section 23B; 2 of such
10 members shall be physical therapists licensed in accordance with said section 23B; 1 such
11 member shall be a physical therapist assistant licensed in accordance with said section 23B; 1
12 such member shall be a lactation consultant licensed in accordance with said section 23B; 1 such

13 member shall be a physician licensed in accordance with section 2 of chapter 112; and 1 such
14 member shall be selected from and shall represent the general public.

15 SECTION 2. Section 23A of chapter 112 of the General Laws, as appearing in the 2016
16 Official Edition, is hereby amended by inserting after the definition of “Board” the following
17 two definitions:-

18 “Lactation care and services”, the clinical application of scientific principles and a
19 multidisciplinary body of evidence for the evaluation, problem identification, treatment,
20 education and consultation to provide lactation care and services to families; provided, however,
21 that lactation care and services includes, but is not limited to, lactation assessment through the
22 systematic collection of subjective and objective data, analysis of data and creation of a plan of
23 care; development and implementation of a lactation care plan with demonstration and
24 instruction to parents and communication to the primary health care provider, provision of
25 lactation education to parents and health care providers, and recommendation and use of assistive
26 devices.

27 “Lactation consultant”, a person who is duly licensed to practice lactation care and
28 services in accordance with section 23B.

29 SECTION 3. Section 23B of said chapter 112, as appearing in the 2016 Official Edition,
30 is hereby amended by striking out, in line 8 the words “and physical therapist assistants” and
31 inserting in place thereof the following words: -, physical therapist assistants, and lactation
32 consultants.

33 SECTION 4. Section 23C of said chapter 112, as appearing in the 2016 Official Edition,
34 is hereby amended by inserting, in line 4, after the words “physical therapist assistant”, the
35 following words: - or lactation consultant.

36 SECTION 5. Said section 23C is hereby further amended by inserting, in line 11, after
37 the words “physical therapist duly licensed under this chapter”, the following words:- a lactation
38 consultant duly licensed under this chapter.

39 SECTION 6. Section 23D of said chapter 112, as appearing in the 2016 Official Edition
40 is hereby amended by inserting, in line 3, after the words “physical therapist assistant”, the
41 following words:-, or lactation consultant.

42 SECTION 7. Section 23E of said chapter 112, as appearing in the 2016 Official Edition is
43 hereby amended by inserting in subsection (b), after the words “physical therapist assistant”, the
44 following words:- or lactation consultant.

45 SECTION 8. Said section 23E is hereby further amended by inserting in subsection (c),
46 after the words “physical therapy”, the following words:- or lactation care and services.

47 SECTION 9. Said section 23E is hereby further amended by inserting in subsection (e),
48 after the words “physical therapy services”, the following words:- or lactation care and services.

49 SECTION 10. Said section 23E is hereby further amended by inserting in subsection (e),
50 after the words “physical therapist”, the following words: - or lactation consultant.

51 SECTION 11. Said chapter 112 is hereby further amended by inserting after section 23J
52 the following section:

53 Section 23J^{1/2}. An applicant for licensure as a lactation consultant shall be certified by the
54 International Board of Lactation Consultant Examiners as an International Board Certified
55 Lactation Consultant.

56 SECTION 12. Section 23K of said chapter 112, as appearing in the 2016 Official Edition
57 is hereby amended by inserting in subsection (c), after the words “physical therapy”, the
58 following words:- or lactation care and services.

59 SECTION 13. Section 23L of said chapter 112, as appearing in the 2016 Official Edition
60 is hereby amended by inserting in subsection (c), after the words “physical therapist assistant”,
61 the following words:- or lactation consultant.

62 SECTION 14. Said chapter 112 is hereby further amended by inserting after section 23P
63 the following section:

64 Section 23P^{3/4}. (a) No person shall hold themselves out to others as a lactation consultant
65 unless they hold a valid license issued in accordance with this chapter.

66 b) Nothing shall prevent the practice of lactation care and services by members of other
67 licensed healthcare professions when such practice is consistent with the accepted standards and
68 scope of their respective professions, provided however, such persons shall not: (1) use the title
69 “licensed lactation consultant” unless licensed under this chapter; nor (2) use the title “lactation
70 consultant” unless said person is an IBCLC;

71 (c) Nothing in this chapter shall prevent the practice of lactation care and services by
72 students, interns, or persons preparing for the practice of lactation care and services under the
73 supervision of a supervisor or any licensed professional as listed in subsection(a), provided

74 however, such persons shall not:(1) use the title “licensed lactation consultant” unless licensed
75 under this chapter; nor (2) use the title “lactation consultant” unless said person is an IBCLC;

76 (d) Nothing in this chapter shall prevent the practice of lactation care and services by
77 employees of a department, agency, county, or local government from engaging in the practice
78 of lactation care and services within the discharge of the employees’ official duties, including,
79 but not limited to, peer counselors working within the Special Supplemental Nutrition Program
80 for Women, Infants, and Children, provided however, such persons shall not: (1) use the title
81 “licensed lactation consultant” unless licensed under this chapter; nor (2) use the title “lactation
82 consultant” unless said person is an IBCLC;

83 (e) Nothing in the chapter shall prevent the practice of lactation care and services by
84 other lactation support providers, including, but not limited to: doulas; prenatal, childbirth, and
85 perinatal educators; breastfeeding and lactation educators; and breastfeeding and lactation
86 counselors, from performing breastfeeding education and counseling services consistent with the
87 accepted standards of their respective occupations, provided however, such persons shall not:

88 (1) use the title “licensed lactation consultant” unless licensed under this chapter; nor (2)
89 use the title “lactation consultant” unless said person is an IBCLC.

90 (f) Nothing in this chapter shall prevent individual volunteers from providing lactation
91 care and services, but such persons shall not:

92 (1) use the title “licensed lactation consultant” unless licensed under this chapter; nor (2)
93 use the title “lactation consultant” unless said person is an IBCLC.

94 (g) Nothing in this chapter shall prevent a nonresident IBCLC from practicing lactation
95 care and services in this state for six months without licensure.

96 (h) All IBCLCs engaged in the practice of lactation care and services as of the effective
97 date of this act may continue to practice without a license until 3 years following the
98 promulgation of regulations by the board, denial of an application by the board, or the the
99 withdrawal of an application, whichever occurs first.