

HOUSE No. 3795

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 access to breastfeeding care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/18/2021</i>

HOUSE No. 3795

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 3795) of Marjorie C. Decker for legislation to improve access to breastfeeding care. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to improve access to 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 2018
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 2018
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 shall include, but shall not be limited to: (i) lactation assessment
22 through the systematic collection of subjective and objective data; (ii) analysis of data and
23 creation of a plan of care; (iii) development and implementation of a lactation care plan with
24 demonstration and instruction to parents and communication to the primary health care provider;
25 (iv) provision of lactation education to parents and health care providers; and (v)
26 recommendation and use of assistive 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 so appearing, is hereby amended by
30 striking out, in line 8, the words “and physical therapist assistants” and inserting in place thereof
31 the following words: - , physical therapist assistants and lactation consultants.

32 SECTION 4. Section 23C of said chapter 112, as so appearing, is hereby amended by
33 inserting after the word “assistant”, in line 4, the following words: - or lactation consultant.

34 SECTION 5. Said section 23C of said chapter 112, as so appearing, is hereby further
35 amended by inserting after the word “chapter”, in line 11, the following words:- ; as a lactation
36 consultant duly licensed under this chapter.

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

40 SECTION 7. Clause (b) of section 23E of said chapter 112, as so appearing, is hereby
41 amended by inserting after the word “assistant”, in line 8, the following words:- or lactation
42 consultant.

43 SECTION 8. Clause (c) of said section 23E of said chapter 112, as so appearing, is
44 hereby amended by inserting after the word “therapy”, in line 14, the following words:- or
45 lactation care and services.

46 SECTION 9. Clause (e) of said section 23E of said chapter 112, as so appearing, is
47 hereby amended by inserting after the words “physical therapy services”, in line 21, the
48 following words:- or lactation care and services.

49 SECTION 10. Said clause (e) of said section 23E of said chapter 112, as so appearing, is
50 hereby further amended by inserting after the words “physical therapist”, in line 24, the
51 following words:- or lactation consultant.

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

54 Section 23J½. An applicant for licensure as a lactation consultant shall be certified by the
55 international board of lactation consultant examiners as an international board certified lactation
56 consultant.

57 SECTION 12. Clause (c) of section 23K of said chapter 112, as appearing in the 2018
58 Official Edition, is hereby amended by inserting after the words “physical therapy”, in line 9, the
59 following words:- or lactation care and services.

60 SECTION 13. Section 23L of said chapter 112, as so appearing, is hereby amended by
61 inserting after the words “physical therapist assistant”, in line 3, the following words:- or
62 lactation consultant.

63 SECTION 14. Said chapter 112 is hereby amended by inserting after section 23P½ the
64 following section:-

65 Section 23P¾. (a) No person shall hold themselves out to others as a lactation consultant
66 unless they hold a valid license issued in accordance with this chapter.

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

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

75 however, such persons shall not: (1) use the title “licensed lactation consultant” unless licensed
76 pursuant to this chapter; nor (2) use the title “lactation consultant” unless said person is an
77 international board certified lactation consultant.

78 (d) Nothing in this chapter shall prevent the practice of lactation care and services by
79 employees of a department, agency, county or local government from engaging in the practice of
80 lactation care and services within the discharge of the employees’ official duties including, but
81 not limited to, peer counselors working within the special supplemental nutrition program for
82 women, infants, and children; provided, however, such persons shall not: (1) use the title
83 “licensed lactation consultant” unless licensed pursuant to this chapter; nor (2) use the title
84 “lactation consultant” unless said person is an international board certified lactation consultant.

85 (e) Nothing in the chapter shall prevent the practice of lactation care and services by
86 other lactation support providers including, but not limited to: (i) doulas; (ii) prenatal, childbirth
87 and perinatal educators; (iii) breastfeeding and lactation educators; and (iv) breastfeeding and
88 lactation counselors, from performing breastfeeding education and counseling services consistent
89 with the accepted standards of their respective occupations; provided, however, such persons
90 shall not: (1) use the title “licensed lactation consultant” unless licensed pursuant to this chapter;
91 nor (2) use the title “lactation consultant” unless said person is an international board certified
92 lactation consultant.

93 (f) Nothing in this chapter shall prevent individual volunteers from providing lactation
94 care and services, but such persons shall not: (1) use the title “licensed lactation consultant”
95 unless licensed pursuant to this chapter; nor (2) use the title “lactation consultant” unless said
96 person is an international board certified lactation consultant.

97 (g) Nothing in this chapter shall prevent a nonresident international board certified
98 lactation consultant from practicing lactation care and services in the Commonwealth for 6
99 months without licensure.

100 SECTION 15. All international board certified lactation consultants engaged in the
101 practice of lactation care and services as of the effective date of this act may continue to practice
102 without a license until 3 years following the promulgation of regulations by the board, denial of
103 an application by the board or the withdrawal of an application, whichever occurs first.