

**HOUSE . . . . . No. 3626**

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**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>1/10/2023</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>6/2/2023</i>
<i>Kristin E. Kassner</i>	<i>2nd Essex</i>	<i>6/12/2023</i>

**HOUSE . . . . . No. 3626**

By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 3626) of Marjorie C. Decker for legislation to improve access to breastfeeding care. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3795 OF 2021-2022.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

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 2020  
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 2020  
16 Official Edition, is hereby amended by inserting after the definition of “Board” the following  
17 definitions:-

18 “International Board Certified Lactation Consultant (IBCLC)” means a person who holds  
19 current certification from the International Board of Lactation Consultant Examiners (IBLCE) as  
20 a lactation consultant after demonstrating the appropriate education, knowledge, and experience  
21 necessary for independent clinical practice.

22 “International Board of Lactation Consultant Examiners (IBLCE)” means the  
23 international certification body that confers the International Board Certified Lactation  
24 Consultant credential. and which is independently accredited by the National Commission of  
25 Certifying Agencies.

26 “Lactation consulting”, the clinical application of scientific principles and a  
27 multidisciplinary body of evidence for evaluation, problem identification, treatment, education  
28 and consultation to families regarding the course of lactation and infant feeding; including but  
29 not limited to: (i) clinical lactation assessment through the systematic collection of subjective  
30 and objective data; (ii) analysis of data and creation of a plan of care; (iii) development and  
31 implementation of a lactation care plan with demonstration and instruction to parents and

32 communication to the primary health care provider(s); (iv) provision of lactation education to  
33 parents and health care providers; and (v) recommendation and use of assistive devices.

34 “Lactation consultant”, a person who is in good standing as a lactation consultant with  
35 the IBLCE, or its successor organization and is duly licensed to practice lactation consulting in  
36 accordance with section 23B.

37 “Perinatal health worker” means a doula, community health worker, peer counselor, WIC  
38 (Women Infants and Children) peer counselor, peer supporter, breastfeeding and lactation  
39 educator or counselor, childbirth educator, social worker, home visitor and/or any other perinatal  
40 educator.

41 “Practice” means rendering or offering to render, for compensation, lactation consulting  
42 to any individual, family, or group of individuals.

43 SECTION 3. Section 23B of said chapter 112, as so appearing, is hereby amended by  
44 striking out, in line 8, the words “and physical therapist assistants” and inserting in place thereof  
45 the following words: - , physical therapist assistants and lactation consultants.

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

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

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

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

57 SECTION 8. Clause (c) of said section 23E of said chapter 112, as so appearing, is  
58 hereby amended by inserting after the word “therapy”, in line 14, the following words:- or  
59 lactation consulting.

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

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

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

68 Section 23J½. An applicant for licensure as a lactation consultant shall be certified by the  
69 International Board of Lactation Consultant Examiners as an International Board Certified  
70 Lactation Consultant.

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

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

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

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

81 (b) Nothing shall prevent the practice of lactation consulting by members of other  
82 licensed healthcare professions when such practice is consistent with the accepted standards and  
83 scope of practice for their respective professions; provided, however, such persons shall not: (1)  
84 use the title “licensed lactation consultant” unless licensed pursuant to this chapter; nor (2) use  
85 the title “lactation consultant” unless said person is an International Board Certified Lactation  
86 Consultant.

87 (c) Nothing in this chapter shall prevent the practice of lactation consulting by students,  
88 interns or persons preparing for the practice of lactation consulting under the supervision of a  
89 supervisor or any licensed professional as listed in subsection (a); provided, however, such  
90 persons shall not: (1) use the title “licensed lactation consultant” unless licensed pursuant to this  
91 chapter; nor (2) use the title “lactation consultant” unless said person is an International Board  
92 Certified Lactation Consultant.

93 (d) Nothing in the chapter shall prevent perinatal health workers from performing  
94 breastfeeding education functions consistent with the accepted standards of their respective  
95 occupations; provided, however, such persons shall not: (1) use the title “licensed lactation  
96 consultant” unless licensed pursuant to this chapter; nor (2) use the title “lactation consultant”  
97 unless said person is an International Board Certified Lactation Consultant.

98 (e) Nothing in this chapter shall prevent a nonresident International Board Certified  
99 Lactation Consultant from practicing lactation consulting in the Commonwealth for 6 months  
100 without licensure.

101 SECTION 15. (a) This Act shall become enforceable three years after the effective date  
102 of this law to allow interested persons to obtain the education, training and credentialing  
103 necessary to practice lactation consulting as defined herein. After three years, no person without  
104 a license as a lactation consultant issued pursuant to this chapter shall: (1) use the title “licensed  
105 lactation consultant” or “licensed L.C.” or (2) practice lactation consulting, provided that this  
106 chapter shall not prohibit any practice that is exempt pursuant to the provisions set forth in Code  
107 Section 23P3/4.

108 (b) Any person violating the provisions of subsection (a) of this Code section shall be  
109 guilty of a misdemeanor.