

## CHAPTER 242

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

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

C.26:4C-7 Definitions relative to lactation rooms.

1. As used in this act:

“Department” means the Department of Health.

“Health care facility” means a health care facility that is licensed by the department pursuant to the “Health Care Facilities Planning Act,” P.L.1971, c.136 (C.26:2H-1 et seq.).

“Lactation room” means a sanitary room, other than a restroom, which can be used by a mother to breast feed her baby or express milk in private, and which includes an electrical outlet, a chair, and nearby access to running water.

“Medical Assistance Customer Center” means a community-based office that is operated by the Division of Medical Assistance and Health Services in the Department of Human Services.

“One-Stop Career Center” means the same as that term is defined by section 3 of P.L.1992, c.43 (C.34:15D-3).

C.26:4C-2 Availability of lactation rooms in certain facilities.

2. a. Every health care facility; federally qualified health center; county or municipal welfare office or agency; Medical Assistance Customer Center (MACC); One-Stop Career Center operated by, or under the authority of, the Department of Labor and Workforce Development; adoption agency or center operated by, or under the authority of, the Division of Child Protection and Permanency in the Department of Children and Families; foster care services agency contracted by the Division of Child Protection and Permanency; or local office of the Division of Child Protection and Permanency, shall, where practicable, make at least one lactation room available, upon request, to any mother who is utilizing on-site services. The presence of any such lactation room shall not abrogate or otherwise limit the mother’s right to breast feed her baby in public, as provided by section 2 of P.L.1997, c.101 (C.26:4B-4).

b. The department shall create signage that: (1) contains information about breast feeding; (2) affirms a mother’s right to nurse in public, as provided by section 2 of P.L.1997, c.101 (C.26:4B-4); and (3) indicates that lactation rooms are being made available for the privacy and comfort of nursing mothers, pursuant to this act. Such signage shall be distributed directly to the various facilities identified in subsection a. of this section, and shall additionally be posted, in a printable format, on the department’s Internet website. A facility that is required to provide a lactation room pursuant to subsection a. of this section shall display the signage prepared under this subsection in a clear and conspicuous manner in the facility’s public waiting room, as well as in any lactation room that is made available pursuant to this act.

c. No later than one year after the effective date of this act, the department shall establish, and shall post at a publicly accessible location on its Internet website, a list of all facilities that have made lactation rooms available pursuant to this section. Thereafter, the department shall make regular updates to the list, as may be necessary to ensure that it reflects the most up-to-date information on the availability of lactation rooms in the State. The list established pursuant to this subsection shall additionally include a hyperlink to the

reports on school lactation-related policies that have been posted on the Department of Education website in accordance with the provisions of section 3 of this act.

d. The department may adopt rules and regulations, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of this section, including rules and regulations that establish guidelines for the location and placement of lactation rooms within a facility, and rules and regulations that establish training requirements for staff who are employed at a facility where a lactation room is required.

C.26:4C-3 Reports.

3. a. Within one year following the effective date of this act, and on an annual basis thereafter, the Department of Education shall evaluate, and report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, on the lactation-related policies that have been implemented at schools, colleges, and universities in the State.

b. Each report submitted pursuant to this section shall: (1) summarize the applicable policies in this area; (2) indicate the number and percentage of policies that authorize access to a designated lactation room; and (3) indicate the manner in which such policies were communicated to students, parents, and guardians during the preceding school year.

c. Each report submitted pursuant to this section shall be posted at a publicly-accessible location on the Department of Education’s Internet website.

4. This act shall take effect immediately.

Approved August 15, 2019.