



General Assembly

Substitute Bill No. 5318

February Session, 2024



AN ACT REQUIRING THE LICENSURE OF LACTATION CONSULTANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2027*) As used in this section and
2 sections 2 to 4, inclusive, of this act:

3 (1) "Lactation consultant" means a person who holds and maintains
4 certification in good standing as an international board certified
5 lactation consultant with the International Board of Lactation
6 Consultant Examiners; and

7 (2) "Lactation consulting" means clinical application of scientific
8 principles and a multidisciplinary body of evidence for evaluation,
9 problem identification, treatment, education and consultation to
10 families regarding the course of lactation and feeding, including, but not
11 limited to, the following services:

12 (A) Taking maternal, child and feeding histories;

13 (B) Performing clinical assessments related to breastfeeding and
14 human lactation through the systematic collection of subjective and
15 objective information;

16 (C) Analyzing relevant information and data;

17 (D) Developing an unbiased lactation management and child feeding
18 plan with demonstration and instruction to parents;

19 (E) Providing lactation and feeding education, including, but not
20 limited to, recommendations for and training in the use of assistive
21 devices for lactation and breastfeeding;

22 (F) Communicating to a primary health care practitioner and
23 referring to other health care practitioners, as necessary;

24 (G) Conducting appropriate follow-up appointments and evaluating
25 outcomes; and

26 (H) Documenting patient encounters in a patient record.

27 Sec. 2. (NEW) (*Effective October 1, 2027*) (a) No person may practice
28 lactation consulting, for compensation, unless licensed pursuant to
29 section 3 of this act.

30 (b) No person may use the title "lactation consultant" or the
31 designation "L.C.", or make use of any title, words, letters, abbreviations
32 or insignia that may reasonably be confused with licensure as a lactation
33 consultant unless such person is licensed pursuant to section 3 of this
34 act.

35 (c) The provisions of this section shall not apply to a person who (1)
36 provides lactation consulting while acting within the scope of practice
37 of the person's license and training, provided the person does not hold
38 himself or herself out to the public as a lactation consultant, (2) is a
39 student enrolled in a lactation consulting educational program or a
40 graduate nursing or medical education program in lactation consulting
41 and lactation consulting is an integral part of the student's course of
42 study and such student is performing such consulting under the direct
43 supervision of a licensed lactation consultant, physician or other health
44 care provider or educator who provides lactation consulting or
45 education in lactation counseling within the scope of practice of the
46 provider's license and training, (3) provides lactation consulting

47 through the federal Special Supplemental Food Program for Women,
48 Infants and Children, administered pursuant to section 19a-59c of the
49 general statutes, or any other federally funded nutrition assistance
50 program administered in the state, to participants in such program
51 while acting within the scope of the person's profession and training,
52 provided the person does not hold himself or herself out to the public
53 as a lactation consultant, or (4) provides lactation consulting as a
54 certified community health worker, as defined in section 20-195ttt of the
55 general statutes, provided the person does not hold himself or herself
56 out to the public as a lactation consultant.

57 Sec. 3. (NEW) (*Effective October 1, 2027*) (a) The Commissioner of
58 Public Health shall grant a license as a lactation consultant to any
59 applicant who furnishes evidence satisfactory to the commissioner that
60 such applicant has earned a certification or credential from the
61 International Board of Lactation Consultant Examiners, or any successor
62 of said board. The commissioner shall develop and provide application
63 forms. The application fee shall be two hundred dollars.

64 (b) Any license issued under this section shall expire in accordance
65 with the provisions of section 19a-88 of the general statutes, as amended
66 by this act, and may be renewed every two years, for a fee of one
67 hundred dollars. Each licensed lactation consultant applying for license
68 renewal shall furnish evidence satisfactory to the commissioner of
69 having a current certification or credential with the International Board
70 of Lactation Consultant Examiners, or any successor of said board, and
71 having obtained continuing education units for such certification or
72 credential as required by said board.

73 Sec. 4. (NEW) (*Effective October 1, 2027*) The Commissioner of Public
74 Health may deny an application of an individual or take any
75 disciplinary action set forth in section 19a-17 of the general statutes
76 against a lactation consultant for any of the following reasons: (1)
77 Failure to conform to the accepted standards of the profession; (2)
78 conviction of a felony, provided any action taken is based upon (A) the
79 nature of the conviction and its relationship to the license holder's ability

80 to safely or competently practice as a lactation consultant, (B)
81 information pertaining to the degree of rehabilitation of the license
82 holder, and (C) the time elapsed since the conviction or release; (3) fraud
83 or deceit in obtaining or seeking reinstatement of a license to practice
84 lactation consulting; (4) fraud or deceit in the practice of lactation
85 consulting; (5) negligent, incompetent or wrongful conduct in
86 professional activities; (6) physical, mental or emotional illness or
87 disorder resulting in an inability to conform to the accepted standards
88 of the profession; (7) alcohol or substance abuse; or (8) wilful
89 falsification of entries in any hospital, patient or other record pertaining
90 to lactation consulting. The commissioner may order a license holder to
91 submit to a reasonable physical or mental examination if his or her
92 physical or mental capacity to practice safely is the subject of an
93 investigation. The commissioner may petition the superior court for the
94 judicial district of Hartford to enforce such order or any action taken
95 pursuant to section 19a-17 of the general statutes. The commissioner
96 shall give notice and an opportunity to be heard on any contemplated
97 action under section 19a-17 of the general statutes.

98 Sec. 5. Subsection (c) of section 19a-14 of the general statutes is
99 repealed and the following is substituted in lieu thereof (*Effective October*
100 *1, 2027*):

101 (c) No board shall exist for the following professions that are licensed
102 or otherwise regulated by the Department of Public Health:

103 (1) Speech and language pathologist and audiologist;

104 (2) Hearing instrument specialist;

105 (3) Nursing home administrator;

106 (4) Sanitarian;

107 (5) Subsurface sewage system installer or cleaner;

108 (6) Marital and family therapist and marriage and family therapist
109 associate;

- 110 (7) Nurse-midwife;
- 111 (8) Licensed clinical social worker;
- 112 (9) Respiratory care practitioner;
- 113 (10) Asbestos contractor, asbestos consultant and asbestos training
114 provider;
- 115 (11) Massage therapist;
- 116 (12) Registered nurse's aide;
- 117 (13) Radiographer;
- 118 (14) Dental hygienist;
- 119 (15) Dietitian-Nutritionist;
- 120 (16) Asbestos abatement worker;
- 121 (17) Asbestos abatement site supervisor;
- 122 (18) Licensed or certified alcohol and drug counselor;
- 123 (19) Professional counselor and professional counselor associate;
- 124 (20) Acupuncturist;
- 125 (21) Occupational therapist and occupational therapist assistant;
- 126 (22) Lead abatement contractor, lead consultant contractor, lead
127 consultant, lead abatement supervisor, lead abatement worker, lead
128 training provider, lead inspector, lead inspector risk assessor and lead
129 planner-project designer;
- 130 (23) Emergency medical technician, advanced emergency medical
131 technician, emergency medical responder and emergency medical
132 services instructor;
- 133 (24) Paramedic;

- 134 (25) Athletic trainer;
- 135 (26) Perfusionist;
- 136 (27) Master social worker subject to the provisions of section 20-195v;
- 137 (28) Radiologist assistant, subject to the provisions of section 20-74tt;
- 138 (29) Homeopathic physician;
- 139 (30) Certified water treatment plant operator, certified distribution
140 system operator, certified small water system operator, certified
141 backflow prevention device tester and certified cross connection survey
142 inspector, including certified limited operators, certified conditional
143 operators and certified operators in training;
- 144 (31) Tattoo technician;
- 145 (32) Genetic counselor;
- 146 (33) Behavior analyst;
- 147 (34) Art therapist;
- 148 (35) Esthetician;
- 149 (36) Eyelash technician; [and]
- 150 (37) Nail technician; and
- 151 (38) Lactation consultant.

152 The department shall assume all powers and duties normally vested
153 with a board in administering regulatory jurisdiction over such
154 professions. The uniform provisions of sections 1 to 4, inclusive, of this
155 act, this chapter and chapters 368v, 369 to 381a, inclusive, 383 to 388,
156 inclusive, 393a, 395, 398, 399, 400a and 400c, including, but not limited
157 to, standards for entry and renewal; grounds for professional discipline;
158 receiving and processing complaints; and disciplinary sanctions, shall
159 apply, except as otherwise provided by law, to the professions listed in

160 this subsection.

161 Sec. 6. Subdivision (2) of subsection (e) of section 19a-88 of the general
162 statutes is repealed and the following is substituted in lieu thereof
163 (*Effective October 1, 2027*):

164 (2) Each person holding a license or certificate issued under section
165 19a-514, sections 1 to 4, inclusive, of this act, and chapters 384a, 384c,
166 384d, 386, 387, 388 and 398 shall apply for renewal of such license or
167 certificate once every two years, during the month of such person's
168 birth, giving such person's name in full, such person's residence and
169 business address and such other information as the department
170 requests.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2027</i>	New section
Sec. 2	<i>October 1, 2027</i>	New section
Sec. 3	<i>October 1, 2027</i>	New section
Sec. 4	<i>October 1, 2027</i>	New section
Sec. 5	<i>October 1, 2027</i>	19a-14(c)
Sec. 6	<i>October 1, 2027</i>	19a-88(e)(2)

PH *Joint Favorable Subst.*