



House of Representatives

File No. 622

General Assembly

February Session, 2024 **(Reprint of File No. 410)**

Substitute House Bill No. 5318
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 29, 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 July 1, 2026*) 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 is licensed pursuant to section 3 of this act;
7 and

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

- 13 (A) Taking maternal, child and feeding histories;
- 14 (B) Performing clinical assessments related to breastfeeding and
15 human lactation through the systematic collection of subjective and
16 objective information;
- 17 (C) Analyzing relevant information and data;
- 18 (D) Developing an unbiased lactation management and child feeding
19 plan with demonstration and instruction to parents;
- 20 (E) Providing lactation and feeding education, including, but not
21 limited to, recommendations for and training in the use of assistive
22 devices for lactation and breastfeeding;
- 23 (F) Communicating to a primary health care practitioner and
24 referring to other health care practitioners, as necessary;
- 25 (G) Conducting appropriate follow-up appointments and evaluating
26 outcomes; and
- 27 (H) Documenting patient encounters in a patient record.
- 28 Sec. 2. (NEW) (*Effective July 1, 2026*) (a) No person may practice
29 lactation consulting, for compensation, unless licensed pursuant to
30 section 3 of this act.
- 31 (b) No person shall (1) hold himself or herself out to the public as
32 being licensed as a lactation consultant, (2) use, in connection with such
33 person's name or business, the title "licensed lactation consultant" or
34 "lactation consultant" or the designation "IBCLC" or "L.C.", or (3) make
35 use of any title, words, letters, abbreviations or insignia that may
36 reasonably be confused with licensure as a lactation consultant, unless
37 such person is licensed pursuant to section 3 of this act.
- 38 (c) The provisions of this section shall not apply to a person who (1)
39 is licensed or certified by the Department of Public Health pursuant to
40 title 20 of the general statutes or by the Department of Consumer

41 Protection pursuant to chapter 400j of the general statutes and providing
42 lactation consulting while acting within the scope of practice of the
43 person's license or certification, provided the person does not refer to
44 himself or herself by the term "lactation consultant", (2) is a student
45 enrolled in a lactation consulting educational program or an accredited
46 education program the completion of which is required for licensure or
47 certification by the Department of Public Health pursuant to title 20 of
48 the general statutes or by the Department of Consumer Protection
49 pursuant to chapter 400j of the general statutes, lactation consulting is a
50 part of the student's course of study and the student is performing such
51 consulting under appropriate program supervision, provided the
52 student does not refer to himself or herself by the term "lactation
53 consultant", (3) provides lactation education and support through the
54 federal Special Supplemental Food Program for Women, Infants and
55 Children, administered pursuant to section 19a-59c of the general
56 statutes, or any other federally funded nutrition assistance program
57 administered in the state, to participants in such program while acting
58 within the person's job description and training, provided the person
59 does not refer to himself or herself by the term "lactation consultant", (4)
60 is certified as a community health worker, as defined in section 20-195ttt
61 of the general statutes, and providing lactation support to a HUSKY
62 Health program member, provided the community health worker does
63 not refer to himself or herself by the term "lactation consultant", (5)
64 provides education, social support, peer support, peer counseling or
65 nonclinical services relating to lactation and feeding, provided the
66 person does not refer to himself or herself by the term "lactation
67 consultant", (6) is a doula or midwife and providing services within the
68 doula's or midwife's scope of practice and for which the doula or
69 midwife is trained, provided the doula or midwife does not refer to
70 himself or herself by the term "lactation consultant", or (7) is a public
71 health professional and engaging in outreach, engagement, education,
72 coaching, informal counseling, social support, advocacy, care
73 coordination or research related to social determinants of health or a
74 basic screening or assessment of any risk associated with social
75 determinants of health, provided the professional does not refer to

76 himself or herself by the term "lactation consultant".

77 Sec. 3. (NEW) (*Effective July 1, 2026*) (a) The Commissioner of Public
78 Health shall grant a license as a lactation consultant to any applicant
79 who furnishes evidence satisfactory to the commissioner that such
80 applicant has earned a certification as an international board certified
81 lactation consultant from the International Board of Lactation
82 Consultant Examiners, or any successor of said board. The
83 commissioner shall develop and provide application forms. The
84 application fee shall be two hundred dollars.

85 (b) Any license issued under this section shall expire in accordance
86 with the provisions of section 19a-88 of the general statutes, as amended
87 by this act, and may be renewed every two years, for a fee of one
88 hundred dollars. Each licensed lactation consultant applying for license
89 renewal shall furnish evidence satisfactory to the commissioner of
90 having a current certification as an international board certified lactation
91 consultant with the International Board of Lactation Consultant
92 Examiners, or any successor of said board, and having obtained
93 continuing education units for such certification as required by said
94 board.

95 Sec. 4. (NEW) (*Effective July 1, 2026*) The Commissioner of Public
96 Health may deny an application of an individual or take any
97 disciplinary action set forth in section 19a-17 of the general statutes
98 against a lactation consultant for any of the following reasons: (1)
99 Failure to conform to the accepted standards of the profession; (2)
100 conviction of a felony, provided any action taken is based upon (A) the
101 nature of the conviction and its relationship to the license holder's ability
102 to safely or competently practice as a lactation consultant, (B)
103 information pertaining to the degree of rehabilitation of the license
104 holder, and (C) the time elapsed since the conviction or release; (3) fraud
105 or deceit in obtaining or seeking reinstatement of a license to practice
106 lactation consulting; (4) fraud or deceit in the practice of lactation
107 consulting; (5) negligent, incompetent or wrongful conduct in
108 professional activities; (6) physical, mental or emotional illness or

109 disorder resulting in an inability to conform to the accepted standards
110 of the profession; (7) alcohol or substance abuse; (8) wilful falsification
111 of entries in any hospital, patient or other record pertaining to lactation
112 consulting; or (9) failure to maintain certification in good standing as an
113 international board certified lactation consultant with the International
114 Board of Lactation Consultant Examiners. The commissioner may order
115 a license holder to submit to a reasonable physical or mental
116 examination if his or her physical or mental capacity to practice safely is
117 the subject of an investigation. The commissioner may petition the
118 superior court for the judicial district of Hartford to enforce such order
119 or any action taken pursuant to section 19a-17 of the general statutes.
120 The commissioner shall give notice and an opportunity to be heard on
121 any contemplated action under section 19a-17 of the general statutes.

122 Sec. 5. Subsection (c) of section 19a-14 of the general statutes is
123 repealed and the following is substituted in lieu thereof (*Effective July 1,*
124 *2026*):

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

127 (1) Speech and language pathologist and audiologist;

128 (2) Hearing instrument specialist;

129 (3) Nursing home administrator;

130 (4) Sanitarian;

131 (5) Subsurface sewage system installer or cleaner;

132 (6) Marital and family therapist and marriage and family therapist
133 associate;

134 (7) Nurse-midwife;

135 (8) Licensed clinical social worker;

- 136 (9) Respiratory care practitioner;
- 137 (10) Asbestos contractor, asbestos consultant and asbestos training
138 provider;
- 139 (11) Massage therapist;
- 140 (12) Registered nurse's aide;
- 141 (13) Radiographer;
- 142 (14) Dental hygienist;
- 143 (15) Dietitian-Nutritionist;
- 144 (16) Asbestos abatement worker;
- 145 (17) Asbestos abatement site supervisor;
- 146 (18) Licensed or certified alcohol and drug counselor;
- 147 (19) Professional counselor and professional counselor associate;
- 148 (20) Acupuncturist;
- 149 (21) Occupational therapist and occupational therapist assistant;
- 150 (22) Lead abatement contractor, lead consultant contractor, lead
151 consultant, lead abatement supervisor, lead abatement worker, lead
152 training provider, lead inspector, lead inspector risk assessor and lead
153 planner-project designer;
- 154 (23) Emergency medical technician, advanced emergency medical
155 technician, emergency medical responder and emergency medical
156 services instructor;
- 157 (24) Paramedic;
- 158 (25) Athletic trainer;

- 159 (26) Perfusionist;
- 160 (27) Master social worker subject to the provisions of section 20-195v;
- 161 (28) Radiologist assistant, subject to the provisions of section 20-74tt;
- 162 (29) Homeopathic physician;
- 163 (30) Certified water treatment plant operator, certified distribution
164 system operator, certified small water system operator, certified
165 backflow prevention device tester and certified cross connection survey
166 inspector, including certified limited operators, certified conditional
167 operators and certified operators in training;
- 168 (31) Tattoo technician;
- 169 (32) Genetic counselor;
- 170 (33) Behavior analyst;
- 171 (34) Art therapist;
- 172 (35) Esthetician;
- 173 (36) Eyelash technician; [and]
- 174 (37) Nail technician; and
- 175 (38) Lactation consultant.

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

185 Sec. 6. Subdivision (2) of subsection (e) of section 19a-88 of the general
 186 statutes is repealed and the following is substituted in lieu thereof
 187 (*Effective July 1, 2026*):

188 (2) Each person holding a license or certificate issued under section
 189 19a-514, sections 1 to 4, inclusive, of this act, and chapters 384a, 384c,
 190 384d, 386, 387, 388 and 398 shall apply for renewal of such license or
 191 certificate once every two years, during the month of such person's
 192 birth, giving such person's name in full, such person's residence and
 193 business address and such other information as the department
 194 requests.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2026</i>	New section
Sec. 2	<i>July 1, 2026</i>	New section
Sec. 3	<i>July 1, 2026</i>	New section
Sec. 4	<i>July 1, 2026</i>	New section
Sec. 5	<i>July 1, 2026</i>	19a-14(c)
Sec. 6	<i>July 1, 2026</i>	19a-88(e)(2)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect
Resources of the General Fund	GF - Revenue Gain

Note: GF=General Fund

Municipal Impact: None

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 27 \$	FY 28 \$	FY 29 \$
Resources of the General Fund	GF - Revenue Gain	53,200	Minimal	26,600

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates a new Department of Public Health licensure category for Lactation Consultants starting 7/1/26, which results in a General Fund (GF) revenue gain of approximately \$53,200 in the out years (starting in FY 27) from initial license fees of \$200¹ and, beginning in FY 29 and continuing biennially, a GF revenue gain of \$26,600 from license renewal fees of \$100. As the language of the bill conforms the licensing of Lactation Consultants to current department practices for other professions, and the number of projected initial and renewal licenses to be issued are within manageable limits, it is anticipated DPH will

¹There are 266 lactation consultants potentially eligible for licensure as of 1/2/24 according to the International Board of Lactation Consultant Examiners.

establish this new licensure category within existing resources.

The Out Years

The GF revenue gain described above is anticipated to continue into the future subject to the number of initial and renewal Lactation Consultant license fees collected by DPH.

OLR Bill Analysis**sHB 5318 (as amended by House "A")*****AN ACT REQUIRING THE LICENSURE OF LACTATION CONSULTANTS.****SUMMARY**

Starting in July 2026, this bill creates a Department of Public Health (DPH) licensure program for lactation consultants. It generally prohibits unlicensed people from practicing lactation consulting for compensation, using the "lactation consultant" title, or holding themselves out to the public as licensed lactation consultants. But it does not restrict unlicensed people (such as other health care providers) meeting specified criteria from practicing lactation consulting or providing related services, if they do not refer to themselves as "lactation consultants."

To receive a license, an applicant must have a certification from the International Board of Lactation Consultant Examiners (IBLCE) or any successor to it. DPH must issue a license to an applicant who submits satisfactory evidence of this on a DPH form. The licensure application fee is \$200, and licenses may be renewed every two years for \$100.

In addition, the bill sets forth the grounds for DPH disciplinary action against licensees and specifies that no new regulatory board is created for lactation consultants.

*House Amendment "A" (1) moves the bill's effective date from October 1, 2027, to July 1, 2026; (2) expands and modifies the list of exemptions from the bill's licensure requirement; and (3) makes various minor and technical changes.

EFFECTIVE DATE: July 1, 2026

Lactation Consulting Definition (§ 1)

Under the bill, “lactation consulting” is helping families with lactation and feeding by clinically applying scientific principles and multidisciplinary evidence for evaluation, problem identification, treatment, education, and consultation, including the following services:

1. taking maternal, child, and feeding histories;
2. performing clinical assessments related to breastfeeding and human lactation by systematically collecting subjective and objective information;
3. analyzing relevant information and data;
4. developing an unbiased lactation management and child feeding plan with demonstration and instruction to parents;
5. providing lactation and feeding education, including recommendations and training on the use of assistive devices;
6. communicating to a primary health care practitioner and referring to other practitioners, as needed;
7. conducting appropriate follow-up appointments and evaluating outcomes; and
8. documenting patient encounters in a patient record.

Licensure Requirement and Exemptions (§ 2)

The bill generally prohibits anyone without a lactation consultant license from:

1. practicing lactation consulting for compensation;
2. holding himself or herself out to the public as a licensed lactation consultant;

3. using, in connection with their name or business, the “licensed lactation consultant” or “lactation consultant” titles or “IBCLC” or “L.C.” designations; or
4. using any title, words, letters, abbreviations, or insignia that may reasonably be confused with this licensure.

These restrictions do not prevent people without this license from providing lactation consulting or related services under the following conditions, as long as they do not refer to themselves by the term “lactation consultant”:

1. people licensed or certified by DPH as another type of provider, or by the Department of Consumer Protection (DCP) under the pharmacy laws, who are providing lactation consulting under the scope of practice of their license or certification;
2. students in a lactation consulting educational program or an accredited education program required for DPH licensure or certification (or DCP under the pharmacy laws), if lactation consulting is a part of the program and the student provides the consulting under appropriate program supervision;
3. people providing lactation education and support through the federal Special Supplemental Food Program for Women, Infants, and Children (WIC) or other federally funded nutrition assistance programs, while acting within their job description and training;
4. certified community health workers providing lactation support to HUSKY Health program members;
5. people providing education, social or peer support, peer counseling, or nonclinical services related to lactation and feeding;
6. doulas or midwives providing services within their scope of practice and for which they were trained; or

7. public health professionals engaging in outreach, engagement, education, coaching, informal counseling, social support, advocacy, care coordination, or research related to social determinants of health or a basic screening or assessment of any risk associated with those determinants.

License Renewals (§§ 3 & 6)

Under the bill, a lactation consultant license expires every two years, and may be renewed during the licensee's birth month for a \$100 fee. To renew, licensees must provide satisfactory evidence that they have (1) a current certification with IBLCE or any successor to it and (2) completed the continuing education IBLCE requires for that certification. Renewal applicants must give DPH their full name, residence and business addresses, and any other information the department requests.

Enforcement and Disciplinary Action (§ 4)

The bill allows the DPH commissioner to deny a license application or take disciplinary action against a lactation consultant for the following:

1. failing to conform to the profession's accepted standards;
2. a felony conviction, if the disciplinary action is based on (a) the nature of the conviction and its relationship to the licensee's ability to safely or competently practice, (b) information on the licensee's degree of rehabilitation, and (c) the time passed since the conviction or release;
3. fraud or deceit in getting or seeking reinstatement of a license or in the practice of lactation consulting;
4. negligence, incompetence, or wrongful conduct in professional activities;
5. an inability to conform to professional standards because of a physical, mental, or emotional illness;

- 6. alcohol or substance abuse;
- 7. willfully falsifying entries in a hospital, patient, or other record pertaining to lactation consulting; or
- 8. failing to maintain certification in good standing with IBLCE.

By law, disciplinary actions available to DPH include, among other things, (1) revoking or suspending a license; (2) censuring the violator; (3) issuing a letter of reprimand; (4) placing the violator on probationary status; or (5) imposing a civil penalty of up to \$25,000 (CGS § 19a-17).

Under the bill, the commissioner may order a licensee to undergo a reasonable physical or mental examination if his or her capacity to practice safely is under investigation. The bill allows the commissioner to petition Hartford Superior Court to enforce the examination order or any DPH disciplinary action. The commissioner must give the person notice and an opportunity to be heard before taking disciplinary action.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 24 Nay 11 (03/22/2024)