



General Assembly

Amendment

February Session, 2024

LCO No. 3996



Offered by:

REP. MCCARTHY VAHEY, 133rd Dist.

REP. LEEPER, 132nd Dist.

SEN. ANWAR, 3rd Dist.

To: Subst. House Bill No. 5318

File No. 410

Cal. No. 266

"AN ACT REQUIRING THE LICENSURE OF LACTATION CONSULTANTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2026*) As used in this section and
4 sections 2 to 4, inclusive, of this act:

5 (1) "Lactation consultant" means a person who holds and maintains
6 certification in good standing as an international board certified
7 lactation consultant with the International Board of Lactation
8 Consultant Examiners and is licensed pursuant to section 3 of this act;
9 and

10 (2) "Lactation consulting" means clinical application of scientific
11 principles and a multidisciplinary body of evidence for evaluation,
12 problem identification, treatment, education and consultation to

13 families regarding the course of lactation and feeding, including, but not
14 limited to, the following services:

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

16 (B) Performing clinical assessments related to breastfeeding and
17 human lactation through the systematic collection of subjective and
18 objective information;

19 (C) Analyzing relevant information and data;

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

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

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

27 (G) Conducting appropriate follow-up appointments and evaluating
28 outcomes; and

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

30 Sec. 2. (NEW) (*Effective July 1, 2026*) (a) No person may practice
31 lactation consulting, for compensation, unless licensed pursuant to
32 section 3 of this act.

33 (b) No person shall (1) hold himself or herself out to the public as
34 being licensed as a lactation consultant, (2) use, in connection with such
35 person's name or business, the title "licensed lactation consultant" or
36 "lactation consultant" or the designation "IBCLC" or "L.C.", or (3) make
37 use of any title, words, letters, abbreviations or insignia that may
38 reasonably be confused with licensure as a lactation consultant, unless
39 such person is licensed pursuant to section 3 of this act.

40 (c) The provisions of this section shall not apply to a person who (1)

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

76 basic screening or assessment of any risk associated with social
77 determinants of health, provided the professional does not hold himself
78 or herself out to the public as a lactation consultant.

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

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

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

109 consulting; (5) negligent, incompetent or wrongful conduct in
110 professional activities; (6) physical, mental or emotional illness or
111 disorder resulting in an inability to conform to the accepted standards
112 of the profession; (7) alcohol or substance abuse; (8) wilful falsification
113 of entries in any hospital, patient or other record pertaining to lactation
114 consulting; or (9) failure to maintain certification in good standing as an
115 international board certified lactation consultant with the International
116 Board of Lactation Consultant Examiners. The commissioner may order
117 a license holder to submit to a reasonable physical or mental
118 examination if his or her physical or mental capacity to practice safely is
119 the subject of an investigation. The commissioner may petition the
120 superior court for the judicial district of Hartford to enforce such order
121 or any action taken pursuant to section 19a-17 of the general statutes.
122 The commissioner shall give notice and an opportunity to be heard on
123 any contemplated action under section 19a-17 of the general statutes.

124 Sec. 5. Subsection (c) of section 19a-14 of the general statutes is
125 repealed and the following is substituted in lieu thereof (*Effective July 1,*
126 *2026*):

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

129 (1) Speech and language pathologist and audiologist;

130 (2) Hearing instrument specialist;

131 (3) Nursing home administrator;

132 (4) Sanitarian;

133 (5) Subsurface sewage system installer or cleaner;

134 (6) Marital and family therapist and marriage and family therapist
135 associate;

136 (7) Nurse-midwife;

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

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

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

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

190 (2) Each person holding a license or certificate issued under section
191 19a-514, sections 1 to 4, inclusive, of this act, and chapters 384a, 384c,
192 384d, 386, 387, 388 and 398 shall apply for renewal of such license or
193 certificate once every two years, during the month of such person's
194 birth, giving such person's name in full, such person's residence and
195 business address and such other information as the department
196 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)