

NEW JERSEY LACTATION RELATED LAWS (as of June 30, 2022)
(Laws in **Bold** Await Full or Partial Implementation or Status Is Unknown)

1. N.J. Rev. Stat. § 26:4B-4, -5 (1997) entitles a mother to breastfeed her baby in any location of a place of public accommodation, resort or amusement wherein the mother is otherwise permitted. [This right is enforced by local health departments based upon complaints.] (S974)
2. **N.J. Rev. Stat. § 26:2A-17 to -22 (2018) (P.L. 2017, C. 247)** requires registration and accreditation of all human milk banks by the Department of Health. *[Awaiting accreditation standards from the DOH; standards were being worked on by DOH Division of Public Health, Infrastructure, Laboratories & Emergency Preparedness.]*
3. **N.J. Rev. Stat. §§ 17:48-6gg, 17:48A-7nn, 17:48E-35.41, 17B:26-2.1kk, 17B:27-46.1qq, 7B:27A-7.24, 17B:27A-19.28, 26:2J-4.42, 52:14-17.29z, 52:14-17.46.6k (2018) (P.L. 2017, C. 309)** requires health insurers to provide coverage for pasteurized donor human milk in certain circumstances. *[Not yet being enforced by the NJ Dept. of Banking and Insurance due to lack of accreditation standards required to be created under no. 2 above.]*
4. N.J. Rev. Stat. 10:5-12 (2018) (P.L. 2017, C. 263) adds “breastfeeding” as a protected class under the Law Against Discrimination and requires workplace accommodations for breastfeeding employees. [Enforcement is by NJ Division on Civil Rights when a complaint is filed with the agency.]
5. N.J. Rev. Stat § 54:32B-8.63 (2018) exempts breast pumps, breastpump repair, and replacement parts, breastpump collection and storage supplies and certain breast-pump kits from sales tax. [Enforcement is by the NJ Taxation Division.]
6. **N.J. Rev. Stat. §9:6-8.98.1 (2018) (P.L. 2018, c. 22)** Requires the Child Fatality and Near Fatality Review Board to study racial and ethnic disparities that contribute to infant mortality and addresses disparities in breastfeeding initiation and duration to increase supports among racial and ethnic populations. *[No information found; the Board has not responded to an inquiry regarding its status.]*
7. Isolated confinement is restricted in correctional facilities based on several factors, including pregnant or breastfeeding status. N.J. Rev. Stat. § 30:4-82.8 (2019) *[Status unknown.]*
8. N.J. Rev. Stat. § 26:4C-2, -3, -7 (2019) **P.L. 2019, c. 242** require certain public facilities and offices to provide an on-site lactation room; Department of Health to provide information about lactation room availability; and Department of Education to provide information annually on lactation policies in New Jersey schools, colleges and universities. *[Signage has been created for on-site lactation rooms, but it is not clear whether public facilities have opened these rooms. Lactation policy data is collected for New Jersey Schools, but not yet for colleges and universities, since that must be done by the NJ Board of Higher Education. Efforts are starting to amend the law to include the Board of Higher Education.]*
9. N.J. Rev. Stat. § 30:4D-6 (2020) (P.L. 2019, C. 317) requires the State Medicaid Program to provide coverage for pasteurized human donor milk under certain circumstances without co-

payment or cost sharing. *[Medicaid is awaiting the milk bank accreditation standards required by no. 2 above.]*

10. N.J. Rev. Stat. §§ §17:48-6ss, 17:48A-7pp, 17:48E-35.43,17B:26-2.1ll, 17B:27-46.1ss, 17B:27A-7.25, 17B:27A-19.29, 26:2J-4.44, 52:14-17.29cc, 52:14-17.46.6n, 30:4D-6o ([P.L.2019, c. 343](#))(2020) requires health insurers and the State Medicaid Program to provide coverage without requiring any cost sharing, for comprehensive lactation support and counseling and consultation, and the costs for renting or purchasing electric or manual breastfeeding equipment. [Dept. of Banking & Insurance has made regulatory changes to allow the law to take effect as to health insurers ; enforcement is by complaint filed by insured or providers. ***Medicaid has issued guidance on coverage for breastfeeding equipment, but has not yet issued guidance on coverage for lactation consultations or counseling.***]

NEW JERSEY LACTATION-RELATED REGULATIONS

New Jersey Hospital Licensing Standards (Breastfeeding) [N.J.A.C. 8:43G-5.5, 8:43G-12.2, 8:43G-12.4, 8:4G-19.1 through 8:43G-36.3](#) Originally adopted in 2014 and readopted with technical amendments in 2017, these regulations require all maternity hospitals to adopt and implement evidence-based practices and policies that support lactation during in the obstetrical unit as well as at admission to other hospital departments and the emergency department. There is no proactive enforcement of these regulations. The Department of Health will investigate any complaint filed under the regulations, but there is little awareness of the regulations by hospital patients or sometimes even hospital staff members. A Breastfeeding Bill of Rights similar to the one required by New York Public Health Law, Section 2505-a could help raise awareness of the lactation support required by the New Jersey Hospital Regulations.

Licensed Child Care Centers

Regulations on infant feeding plans and the handling of human milk in New Jersey child care centers may be found in the [New Jersey Department of Children and Families, Office of Licensing, Manual of Requirements for Child Care Centers](#):

N.J.A.C. 3A:52-6.3(b)3 Feeding requirements for centers serving children less than 18 months of age are as follows:

- i. The center shall develop mutually with each child's parent(s) and follow a feeding plan regarding the feeding schedule, specific formula, breastfeeding arrangements and accommodations, and/or expressed breast milk, nutritional needs, and introduction of new food for each child.
- ii. For children less than 12 months of age, the feeding plan shall be:
 - (1) Documented in writing;
 - (2) Maintained on file; and
 - (3) Made available to each staff member responsible for feeding each child;

- iii. All food served to a child shall be appropriate to the child's developmental eating ability;
- iv. The requirements for bottles are as follows:
 - (1) Each child's bottle(s) shall be labeled with the child's name and dated;
 - (2) The center shall sanitize each child's bottles, including the nipples, when the center provides the bottles;
 - (3) Breast milk shall be gently mixed but not be shaken;
 - (4) Refrigerated breast milk shall be used within 24 hours;
 - (5) Formula or breast milk that is served, but not completely consumed or refrigerated, shall be discarded; and
 - (6) No milk, formula, or breast milk shall be warmed in a microwave oven;
- v. A child who is too young to use a feeding chair or other seating apparatus shall be held when fed;
- vi. A child who, because of age or developmental readiness, no longer needs to be held for feeding shall be provided with an infant seat, high chair with safety strap, or other age-appropriate seating apparatus, which meets the standards of a recognized safety organization (such as the Juvenile Products Manufacturers Association, the American Society for Testing and Materials, or the United States Consumer Product Safety Commission);
- vii. When a child is feeding, the bottle shall not be propped at any time; and
- viii. When a child is bottle-feeding while resting, the bottle shall be removed when the child falls asleep.

Registered Family Child Care Homes

Regulations for infant feeding plans and the handling of human milk New Jersey registered family child care homes may be found the [New Jersey Department of Children and Families, Office of Licensing, Manual of Requirements for Family Child Care Registration](#):

N.J.A.C. 3A:54-6.14(c) The provider shall consult with each child's parent(s) regarding the feeding schedule, nutritional needs and introduction of new foods for each child.

3A:54-6.15 Bottle and cup feeding

- (a) Formula, prepared from concentrate or in an opened container, and expressed breast milk shall be refrigerated.
- (b) Bottles and sipping cups shall be clearly identified for use by a specific child.
- (c) When a child is feeding, the bottle shall not be propped at any time.