

JAN 15 2025

A BILL FOR AN ACT

RELATING TO LACTATION CONSULTANTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 LACTATION CONSULTANTS

6 § -1 Definitions. As used in this chapter, unless the
7 context otherwise requires:

8 "Board" means the board of lactation consultants
9 established by this chapter.

10 "Department" means the department of commerce and consumer
11 affairs.

12 "Lactation consulting" means the clinical application of
13 scientific principles and a multidisciplinary body of evidence
14 for evaluation, problem identification, treatment, education,
15 and consultation to families regarding the course of lactation
16 and feeding, including:

17 (1) Taking maternal, child, and feeding histories;



- 1 (2) Performing clinical assessments related to
- 2 breastfeeding and human lactation through the
- 3 systematic collection of subjective and objective
- 4 information;
- 5 (3) Analyzing data;
- 6 (4) Developing a lactation management and child feeding
- 7 plan with demonstration and instruction to parents;
- 8 (5) Providing lactation and feeding education;
- 9 (6) Recommending and training on the use of assistive
- 10 devices;
- 11 (7) Communicating to the patient's primary health care
- 12 practitioner and referring to other healthcare
- 13 practitioners, as needed;
- 14 (8) Conducting appropriate follow-up with evaluation of
- 15 outcomes; and
- 16 (9) Documenting the encounter in a patient record.

17 "License" means a valid lactation consultant license issued
18 under this chapter.

19 "Licensee" means any person holding a license.

20 **§ -2 Lactation consulting; license required.** After
21 December 31, 2029, no person without a license shall practice



1 lactation consulting, use the title licensed lactation
2 consultant, or present himself or herself as a lactation
3 consultant.

4 § -3 Board of lactation consultants; established. (a)

5 There is established within the department the board of
6 lactation consultants. The board shall consist of five members
7 as follows:

8 (1) Four members who shall each hold a current
9 certification from the International Board of
10 Lactation Consultant Examiners as a lactation
11 consultant or a similar certification from a successor
12 organization; provided that:

13 (A) At least one member shall practice in hospital
14 clinical lactation care;

15 (B) At least one member shall practice in community
16 or public health; and

17 (C) At least one member shall practice in private
18 practice of clinical lactation care; and

19 (2) One member who shall represent the public at-large.

20 All members shall be citizens of the United States and residents
21 of the State.



1 (b) Members of the board shall be appointed by the
2 governor under section 26-34.

3 (c) The board shall elect from its members a chairperson,
4 vice chairperson, and any other officers as deemed necessary who
5 shall hold office according to the rules adopted by the board.

6 (d) The members of the board shall serve without
7 compensation but shall be reimbursed for expenses, including
8 travel expenses, necessary for the performance of their duties.

9 § -4 **Requirements for application for licensure.** The
10 board shall establish licensure requirements; provided that the
11 requirements shall include:

12 (1) Completion of an application in a form and manner as
13 prescribed by the board, accompanied by payment of
14 applicable fees;

15 (2) Proof that the applicant is eighteen years of age or
16 older;

17 (3) Completion of the education and clinical standards
18 established for an International Board Certified
19 Lactation Consultant by the International Board of
20 Lactation Consultant Examiners, or its successor
21 organization;



1 (4) Proof of a passing score of the International Board
2 Certified Lactation Consultant examination
3 administered by the International Board of Lactation
4 Consultant Examiners or the comparable examination of
5 any successor organization; and

6 (5) Satisfactory results from a criminal background check
7 determined by the board.

8 § -5 License as property; display; address changes;
9 renewal; inactive status. (a) Each license shall be the
10 property of the board and shall be surrendered on demand.

11 (b) Each licensee shall display the license in an
12 appropriate and public manner.

13 (c) Each licensee shall inform the board of any change of
14 address.

15 (d) All licenses shall expire biennially unless renewed.
16 All applications for renewal of a license shall be filed with
17 the board prior to the expiration date, accompanied by payment
18 of the fee prescribed by the board. A license that has expired
19 for failure to renew may be later renewed within a time period
20 established by the board after application and payment of a fee
21 as established by the board. Any license that has not been



1 renewed by the end of the late renewal period shall be
2 considered lapsed, revoked, and subject to reinstatement at the
3 discretion of the board after meeting requirements as the board
4 may establish.

5 (e) Under procedures and conditions established by the
6 board, a licensee may request that his or her license be
7 declared inactive.

8 § -6 Licensing authority of board; investigations;
9 fines. (a) The board may revoke, suspend, deny, or refuse to
10 issue or renew a license; place a licensee on probation; or
11 issue a letter of admonition upon proof that the licensee or
12 applicant:

- 13 (1) Has procured or attempted to procure a license by
14 fraud, deceit, misrepresentation, misleading omission,
15 or material misstatement of fact;
- 16 (2) Has been convicted of a felony or of any crime
17 involving moral turpitude;
- 18 (3) Has willfully or negligently acted in a manner
19 inconsistent with the health or safety of persons
20 under the licensee's care;



1 (4) Has had a license to practice a business or profession
2 suspended or revoked or has otherwise been subject to
3 discipline related to the licensee's practice of a
4 business or profession in any other jurisdiction;

5 (5) Has committed a fraudulent act that materially affects
6 the fitness of the licensee or applicant to practice a
7 business or profession;

8 (6) Excessively or habitually uses alcohol or drugs;
9 provided that the board shall not discipline a
10 licensee under this paragraph if the licensee is
11 enrolled in a substance abuse program approved by the
12 board; or

13 (7) Has a physical or mental disability that renders the
14 licensee incapable of safely practicing lactation
15 consulting.

16 (b) The board may investigate allegations of conduct
17 described in subsection (a).

18 (c) The board may issue fines to any person found to have
19 violated any provision of this chapter or any rule adopted by
20 the board under this chapter. The fine shall not be less than
21 \$100 or more than \$500 for each violation.



1 § -7 Board of lactation consultants; additional powers
2 and duties. (a) The board shall meet monthly if there is
3 business pending.

4 (b) The board shall:

5 (1) Determine the qualifications and fitness of applicants
6 for licensure, renewal of licensure, and reinstatement
7 of licensure;

8 (2) Examine applications for issuance, renewal, and
9 reinstatement of licenses;

10 (3) Issue, renew, reinstate, deny, suspend, and revoke
11 licenses;

12 (4) Conduct hearings in connection with licenses;

13 (5) Conduct hearings on complaints concerning violations
14 of this chapter and the rules adopted under this
15 chapter and cause the prosecution and enjoinder of the
16 violations;

17 (6) Adopt, revise, and enforce rules regarding advertising
18 by licensees, including prohibiting false, misleading,
19 or deceptive practices;

20 (7) Establish application fees for initial licensing,
21 renewals, and reinstatements;



1 (8) Prepare information of consumer interest describing
2 the regulatory functions of the board and describing
3 the procedures by which consumer complaints are filed
4 with and resolved by the board, and other matters
5 regarding lactation consulting that the board deems
6 appropriate. The board shall make the information
7 available to the public on the department's website;

8 (9) Establish continuing education requirements; and

9 (10) Adopt a seal which shall be affixed only in a manner
10 as prescribed by the board.

11 § -8 **Compliance and exclusions.** Nothing in this chapter
12 shall be construed to affect or prevent:

13 (1) Licensed healthcare professionals from practicing
14 lactation consulting when lactation consulting is
15 within their legal scope of practice;

16 (2) Any doula; community health worker; peer counselor;
17 women, infants, and children peer counselor; peer
18 supporter; breastfeeding and lactation educator or
19 counselor; childbirth educator; social worker; home
20 visitor; or any other perinatal educator from
21 performing education functions, including lactation



1 and feeding education, consistent with the accepted
2 standards of their respective occupations; or

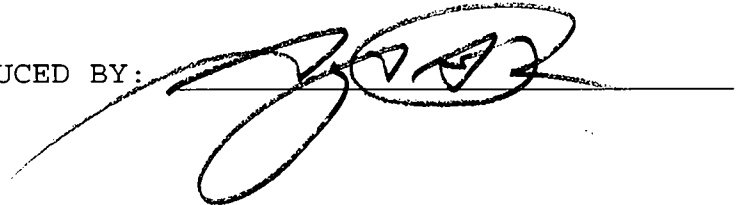
3 (3) The practice of lactation consulting by students,
4 interns, or persons preparing for the practice of
5 lactation consulting under the qualified supervision
6 of a licensed lactation consultant or any licensed
7 professional identified in paragraph (1).

8 § -9 Rules. The board shall adopt rules pursuant to
9 chapter 91 for the purposes of this chapter."

10 SECTION 2. This Act shall take effect upon its approval.

11

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "J. V. ...", is written over a horizontal line.

S.B. NO. 317

Report Title:

Lactation Consultants; Breast Feeding; Licensure; DCCA

Description:

Establishes the Board of Lactation Consultants of the Department of Commerce and Consumer Affairs and requires that lactation consultants be licensed by the board.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

