STATE OF NEW YORK

6952

IN SENATE

January 6, 2020

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the social services law, in relation to lactation counseling services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (x) of subdivision 2 of section 365-a of the social services law, as amended by a chapter of the laws of 2019, amending the social services law relating to lactation counseling services, as proposed in legislative bills numbers S. 3387 and A. 2345, is amended to read as follows:

(x)(i) lactation counseling services for pregnant and postpartum women **when such services are ordered by a physician, physician assistant, nurse practitioner, or midwife and** provided by a qualified lactation care provider, as determined by the commissioner of health; provided, however, that the provisions of this paragraph shall not take effect unless all necessary approvals under federal law and regulation have been obtained to receive federal financial participation in the costs of health care services provided pursuant to this paragraph. Nothing in this paragraph shall be construed to modify any licensure, certification or scope of practice provision under title eight of the education law.

(ii) [~~For~~] **for** the purposes of this paragraph, the following terms shall have the following meanings:

(1) "Qualified lactation care provider" shall mean a person who possesses current certification as a lactation care provider from a certification program accredited by a nationally recognized accrediting agency.

(2) "Nationally recognized accrediting agency" shall mean a nationally recognized accrediting agency designated by the commissioner; provided that the commissioner shall designate more than one agency.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2019, amending the social services law relating to lactation counseling services, as proposed in legislative bills numbers S. 3387 and A. 2345, takes effect.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

S LBD04950-03-9