

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2131

By: Munson

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5  
6 AS INTRODUCED

7 An Act relating to lactation consultants; creating  
8 the Oklahoma Lactation Consultant Practice Act;  
9 defining term; requiring the State Department of  
10 Health to promulgate certain rules; providing for  
11 exemptions; providing for enforcement by the  
12 Commissioner of Health; providing penalties for  
13 noncompliance; providing for codification; and  
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1-234.2 of Title 63, unless  
18 there is created a duplication in numbering, reads as follows:

19 This act shall be known and may be cited as the "Oklahoma  
20 Lactation Consultant Practice Act".

21 SECTION 2. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-234.3 of Title 63, unless  
23 there is created a duplication in numbering, reads as follows:

24 As used in the Oklahoma Lactation Consultant Practice Act,  
"lactation consultant" means a health care professional who  
specializes in the clinical management of breastfeeding.

1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-234.4 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4 The State Department of Health is authorized and directed to  
5 formulate, promulgate, amend and repeal procedures and rules for the  
6 following:

7 1. The licensing of lactation consultants;

8 2. Standards and specifications for education, knowledge and  
9 experience required for licensure as a lactation consultant. In  
10 establishing these requirements, the State Commissioner of Health  
11 shall give due consideration to criteria established by the  
12 International Board of Lactation Consultant Examiners (IBLCE) or  
13 other national standards established by professional societies with  
14 expertise in the training and certification of lactation  
15 consultants;

16 3. Establishment of a minimum standard of care for providing  
17 lactation care and services;

18 4. Establishment of a nonrefundable application fee and license  
19 renewal fee. All fees collected pursuant to the Oklahoma Lactation  
20 Consultant Practice Act shall be deposited in the General Revenue  
21 Fund; and

22 5. Any other rule deemed necessary by the Commissioner of  
23 Health to carry out the provisions of the Oklahoma Lactation  
24 Consultant Practice Act, provided that no rule shall take effect

1 until it has been promulgated in accordance with the provisions of  
2 the Administrative Procedures Act.

3 SECTION 4. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-234.5 of Title 63, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. Nothing in the Oklahoma Lactation Consultant Practice Act  
7 shall be construed to prevent qualified members of other professions  
8 or other occupations or volunteers from performing functions  
9 consistent with the accepted standards of their respective  
10 professions; provided, however, that they do not hold themselves out  
11 to the public by any title or description stating or implying that  
12 they are lactation consultants licensed to practice clinical  
13 lactation care and services.

14 B. Nothing in the Oklahoma Lactation Consultant Practice Act  
15 shall be construed to prevent the practice of lactation care and  
16 services by students, interns or persons preparing for practice  
17 under the qualified supervision of a licensee.

18 C. Lactation care and services provided through the Federal  
19 Special Supplemental Nutrition Program for Women, Infants and  
20 Children (WIC) program shall be considered exempt from the licensure  
21 requirements of the Oklahoma Lactation Consultant Practice Act.

22 SECTION 5. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1-234.6 of Title 63, unless  
24 there is created a duplication in numbering, reads as follows:

1       A. The Oklahoma Lactation Consultant Practice Act shall be  
2 enforced by the State Commissioner of Health.

3       B. Any person who violates the provisions of the Oklahoma  
4 Lactation Consultant Practice Act, or who violates any of the rules  
5 of the State Department of Health made pursuant to this act, shall  
6 be fined and the State Commissioner of Health may suspend or revoke  
7 the license issued to any person when, in the opinion of the  
8 Commissioner, that person is found to have engaged in unprofessional  
9 conduct.

10       C. Except as otherwise provided in the Oklahoma Lactation  
11 Consultant Practice Act, the inspection, enforcement and penalties  
12 for violations of the provisions of this act, or the rules of the  
13 State Department of Health made pursuant to this act, shall be in  
14 accordance with the provisions set forth in Section 1-104 of Title  
15 63 of the Oklahoma Statutes.

16       D. The powers and functions vested in the State Department of  
17 Health under the provisions of the Oklahoma Lactation Consultant  
18 Practice Act shall not be construed to affect, in any manner, the  
19 powers, duties and functions vested in the State Department of  
20 Health under any other provisions of the general laws.

21       SECTION 6. This act shall become effective November 1, 2019.

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