

**HOUSE . . . . . No. 1030**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

*Danielle W. Gregoire*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to human donor milk coverage.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/17/2023</i>

**HOUSE . . . . . No. 1030**

By Representative Gregoire of Marlborough, a petition (accompanied by bill, House, No. 1030) of Danielle W. Gregoire relative to human donor milk insurance coverage. Financial Services.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act relative to human donor milk coverage.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 32A of the General Laws, as appearing in the 2020 Official  
2 Edition, is hereby amended by inserting after section 30 the following section:

3 Section 31. (a) Any coverage offered by the commission to any active or retired  
4 employee of the commonwealth insured under the group insurance commission shall provide  
5 coverage for the provision of pasteurized donor human milk and donor human milk-derived  
6 products, provided that:

7 (1) The covered person is an infant under the age of six months;

8 (2) The milk is obtained from a human milk bank that meets quality guidelines  
9 established by the Department of Public Health; and

10 (3) A licensed medical practitioner has issued a written order for the provision of such  
11 human breast milk for an infant who:

12 (i) Is medically or physically unable to receive maternal breast milk or participate in  
13 breastfeeding or whose mother is medically or physically unable to produce maternal breast milk  
14 in sufficient quantities and/or caloric density or participate in breastfeeding despite optimal  
15 lactation support; and

16 (ii) Meets any of the following conditions:

17 (a) A body weight below healthy levels determined by the licensed medical practitioner;

18 (b) A congenital or acquired condition that places the infant at a high risk for  
19 development of necrotizing enterocolitis; or

20 (c) A congenital or acquired condition that may benefit from the use of such human  
21 breast milk as determined by the Department of Public Health.

22 (b) Reimbursement provided under subsection (a) of this section for donor human milk  
23 and donor human milk-derived products for an infant in an inpatient setting shall be provided  
24 separately from the existing hospital payment for inpatient services.

25 SECTION 2. Chapter 118E of the General Laws, as appearing in the 2020 Official  
26 Edition, is hereby amended by inserting after section 10N the following section:

27 Section 10O. (a) The division and its contracted health insurers, health plans, health  
28 maintenance organizations, behavioral health management firms and third party administrators  
29 under contract to a Medicaid managed care organization or primary care clinician plan shall  
30 provide coverage for the provision of pasteurized donor human milk and donor human milk-  
31 derived products, provided that:

32 (1) The covered person is an infant under the age of six months;

33           (2) The milk is obtained from a human milk bank that meets quality guidelines  
34 established by the Department of Public Health; and

35           (3) A licensed medical practitioner has issued a written order for the provision of such  
36 human breast milk for an infant who:

37           (i) Is medically or physically unable to receive maternal breast milk or participate in  
38 breastfeeding or whose mother is medically or physically unable to produce maternal breast milk  
39 in sufficient quantities and/or caloric density or participate in breastfeeding despite optimal  
40 lactation support; and

41           (ii) Meets any of the following conditions:

42           (a) A body weight below healthy levels determined by the licensed medical practitioner;

43           (b) A congenital or acquired condition that places the infant at a high risk for the  
44 development of necrotizing enterocolitis; or

45           (c) A congenital or acquired condition that may benefit from the use of such human  
46 breast milk as determined by the Department of Public Health.

47           (b) Reimbursement provided under subsection (a) of this section for donor human milk  
48 and donor human milk-derived products for an infant in an inpatient setting shall be provided  
49 separately from the existing hospital payment for inpatient services.

50           SECTION 3. Chapter 175 of the General Laws, as appearing in the 2020 Official Edition,  
51 is hereby amended by inserting after section 47PP the following:

52 Section 47QQ. (a) An individual policy of accident and sickness insurance issued  
53 pursuant to section 108 and sickness insurance issued pursuant to section 110 shall provide  
54 benefits for residents of the Commonwealth and all group members having a principal place of  
55 employment within the Commonwealth coverage for the provision of pasteurized donor human  
56 milk and donor human milk-derived products, provided that:

57 (1) The covered person is an infant under the age of six months;

58 (2) The milk is obtained from a human milk bank that meets quality guidelines  
59 established by the Department of Public Health; and

60 (3) A licensed medical practitioner has issued a written order for the provision of such  
61 human breast milk for an infant who:

62 (i) Is medically or physically unable to receive maternal breast milk or participate in  
63 breastfeeding or whose mother is medically or physically unable to produce maternal breast milk  
64 in sufficient quantities and/or caloric density or participate in breastfeeding despite optimal  
65 lactation support; and

66 (ii) Meets any of the following conditions:

67 (a) A body weight below healthy levels determined by the licensed medical practitioner;

68 (b) A congenital or acquired condition that places the infant at a high risk for the  
69 development of necrotizing enterocolitis; or

70 (c) A congenital or acquired condition that may benefit from the use of such human  
71 breast milk as determined by the Department of Public Health.

72 (b) Reimbursement provided under subsection (a) of this section for donor human milk  
73 and donor human milk-derived products for an infant in an inpatient setting shall be provided  
74 separately from the existing hospital payment for inpatient services.

75 SECTION 4. Chapter 176A of the General Laws, as appearing in the 2020 Official  
76 Edition, is hereby amended by inserting after section 8QQ the following:

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78 Section 8RR. (a) Any contract between a subscriber and the corporation under an  
79 individual or group hospital service plan that is delivered, issued or renewed within or without  
80 the Commonwealth shall provide to all individual subscribers and members within the  
81 Commonwealth and to all group members having a principal place of employment within the  
82 Commonwealth coverage for the provision of pasteurized donor human milk and donor human  
83 milk-derived products, provided that:

84 (1) The covered person is an infant under the age of six months;

85 (2) The milk is obtained from a human milk bank that meets quality guidelines  
86 established by the Department of Public Health; and

87 (3) A licensed medical practitioner has issued a written order for the provision of such  
88 human breast milk for an infant who:

89 (i) Is medically or physically unable to receive maternal breast milk or participate in  
90 breastfeeding or whose mother is medically or physically unable to produce maternal breast milk  
91 in sufficient quantities and/or caloric density or participate in breastfeeding despite optimal  
92 lactation support; and

93 (ii) Meets any of the following conditions:

94 (a) A body weight below healthy levels determined by the licensed medical practitioner;

95 (b) A congenital or acquired condition that places the infant at a high risk for the  
96 development of necrotizing enterocolitis; or

97 (c) A congenital or acquired condition that may benefit from the use of such human  
98 breast milk as determined by the Department of Public Health.

99 (b) Reimbursement provided under subsection (a) of this section for donor human milk  
100 and donor human milk-derived products for an infant in an inpatient setting shall be provided  
101 separately from the existing hospital payment for inpatient services.

102 SECTION 5. Chapter 176B of the General Laws, as appearing in the 2020 Official  
103 Edition, is hereby amended by inserting after section 4QQ the following:

104 Section 4RR. (a) Any subscription certificate under an individual or group medical  
105 service agreement that is delivered, issued or renewed within or without the Commonwealth  
106 shall provide to all individual subscribers and members within the Commonwealth and to all  
107 group members having a principal place of employment within the Commonwealth coverage for  
108 the provision of pasteurized donor human milk and donor human milk-derived products,  
109 provided that:

110 (1) The covered person is an infant under the age of six months;

111 (2) The milk is obtained from a human milk bank that meets quality guidelines  
112 established by the Department of Public Health; and

113 (3) A licensed medical practitioner has issued a written order for the provision of such  
114 human breast milk for an infant who:

115 (i) Is medically or physically unable to receive maternal breast milk or participate in  
116 breastfeeding or whose mother is medically or physically unable to produce maternal breast milk  
117 in sufficient quantities and/or caloric density or participate in breastfeeding despite optimal  
118 lactation support; and

119 (ii) Meets any of the following conditions:

120 (a) A body weight below healthy levels determined by the licensed medical practitioner;

121 (b) A congenital or acquired condition that places the infant at a high risk for the  
122 development of necrotizing enterocolitis; or

123 (c) A congenital or acquired condition that may benefit from the use of such human  
124 breast milk as determined by the Department of Public Health.

125 (b) Reimbursement provided under subsection (a) of this section for donor human milk  
126 and donor human milk-derived products for an infant in an inpatient setting shall be provided  
127 separately from the existing hospital payment for inpatient services.

128 SECTION 6. Chapter 176G of the General Laws, as appearing in the 2020 Official  
129 Edition, is hereby amended by inserting after section 4GG the following:

130 Section 4HH: (a) Any individual or group health maintenance contract that is issued,  
131 renewed or delivered within or without the Commonwealth shall provide to residents of the  
132 Commonwealth and to persons having a principal place of employment within the

133 Commonwealth coverage for the provision of pasteurized donor human milk and donor human  
134 milk-derived products, provided that:

135 (1) The covered person is an infant under the age of six months;

136 (2) The milk is obtained from a human milk bank that meets quality guidelines  
137 established by the Department of Public Health; and

138 (3) A licensed medical practitioner has issued a written order for the provision of such  
139 human breast milk for an infant who:

140 (i) Is medically or physically unable to receive maternal breast milk or participate in  
141 breastfeeding or whose mother is medically or physically unable to produce maternal breast milk  
142 in sufficient quantities and/or caloric density or participate in breastfeeding despite optimal  
143 lactation support; and

144 (ii) Meets any of the following conditions:

145 (a) A body weight below healthy levels determined by the licensed medical practitioner;

146 (b) A congenital or acquired condition that places the infant at a high risk for the  
147 development of necrotizing enterocolitis; or

148 (c) A congenital or acquired condition that may benefit from the use of such human  
149 breast milk as determined by the Department of Public Health.

150 (b) Reimbursement provided under subsection (a) of this section for donor human milk  
151 and donor human milk-derived products for an infant in an inpatient setting shall be provided  
152 separately from the existing hospital payment for inpatient services.

153           SECTION 7. Sections 1 through 6 of this act shall apply to all policies, contracts and  
154 certificates of health insurance subject to chapters 32A, chapter 118E, chapter 175, chapter  
155 176A, chapter 176B, and chapter 176G which are delivered, issued or renewed on or after  
156 September 1, 2023.