

SENATE No. 600

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 improving access to breast pumps.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>7/18/2023</i>

SENATE No. 600

By Ms. Creem, a petition (accompanied by bill, Senate, No. 600) of Cynthia Stone Creem for legislation to improve access to breast pumps. Financial Services.

The Commonwealth of Massachusetts

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

An Act improving access to breast pumps.

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 is hereby amended by adding the
2 following section:-

3 Section 31. (a) As used in this section, “multi-user breast pump” shall mean a breast
4 pump that is: (i) capable of initiating and supporting milk supply; (ii) able to be used by multiple
5 users safely and hygienically; (iii) durable enough to be used by a mother who is expressing 8
6 times per day or more; (iv) is made for heavy usage with a long motor life; (v) operating using a
7 closed system; (vi) is capable of suction power from 0 to 300 mmHg; (vii) has a multiphase
8 system or the ability to customize vacuum and cycling for each user; and (viii) is run on
9 electricity, not batteries alone.

10 (b) The commission shall provide to an active or retired employee of the commonwealth
11 who is insured under the group insurance commission coverage for the cost of the rental and
12 usage of a multi-user breast pump by the mother of a newborn infant who is receiving care at an

13 intensive care or special care nursery, or has cardiac, neurological, or oral anomalies that prevent
14 direct feeding at the breast, until such time as the infant is discharged, or until the mother is no
15 longer pumping breastmilk. The multi-user breast pump shall be made available to the user
16 within 24 hours of maternal hospital discharge.

17 (c) The commission shall provide to an active or retired employee of the commonwealth
18 who is insured under the group insurance commission, and eligible for a covered multi-user
19 breast pump under this section, coverage for: (i) periodic replacement parts for the multi-user
20 breast pump including, but not limited to, connectors, valves, tubing, backflow protectors, and
21 flanges; (ii) breast milk storage bags; and (iii) microwave bags for sterilizing the multi-user
22 breast pump parts.

23 (d) The commission shall provide to an active or retired employee of the commonwealth
24 who is insured under the group insurance commission, and eligible for a covered multi-user
25 breast pump under this section, coverage for: (i) an initial assessment, instruction and fitting by
26 an International Board Certified Lactation Consultant (IBCLC); and (ii) ongoing assessment,
27 support and refitting as needed by an IBCLC.

28 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after
29 section 10N the following section:-

30 Section 10O. (a) As used in this section, “multi-user breast pump” shall mean a breast
31 pump that is: (i) capable of initiating and supporting milk supply; (ii) able to be used by multiple
32 users safely and hygienically; (iii) durable enough to be used by a mother who is expressing 8
33 times per day or more; (iv) is made for heavy usage with a long motor life; (v) operating using a
34 closed system; (vi) is capable of suction power from 0 to 300 mmHg; (vii) has a multiphase

35 system or the ability to customize vacuum and cycling for each user; and (viii) is run on
36 electricity, not batteries alone.

37 (b) The division and its contracted health insurers, health plans, health maintenance
38 organizations, behavioral health management firms and third-party administrators under contract
39 to a Medicaid managed care organization or primary care clinician plan shall provide coverage
40 for the cost of the rental and usage of a multi-user breast pump by the mother of a newborn
41 infant who is receiving care at an intensive care or special care nursery, or has cardiac,
42 neurological, or oral anomalies that prevent direct feeding at the breast, until such time as the
43 infant is discharged, or until the mother is no longer pumping breastmilk. The multi-user breast
44 pump shall be made available to the user within 24 hours of maternal hospital discharge.

45 (c) The division and its contracted health insurers, health plans, health maintenance
46 organizations, behavioral health management firms and third-party administrators under contract
47 to a Medicaid managed care organization or primary care clinician plan shall provide an
48 individual, who is eligible for a covered multi-user breast pump under this section, coverage for:
49 (i) periodic replacement parts for the multi-user breast pump including, but not limited to,
50 connectors, valves, tubing, backflow protectors, and flanges; (ii) breast milk storage bags; and
51 (iii) microwave bags for sterilizing the multi-user breast pump parts.

52 (d) The division and its contracted health insurers, health plans, health maintenance
53 organizations, behavioral health management firms and third-party administrators under contract
54 to a Medicaid managed care organization or primary care clinician plan shall provide an
55 individual, who is eligible for a covered multi-user breast pump under this section, coverage for:
56 (i) an initial assessment, instruction and fitting by an International Board Certified Lactation

57 Consultant (IBCLC); and (ii) ongoing assessment, support and refitting as needed and prescribed
58 by provider, by an IBCLC.

59 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after
60 section 47PP the following section:-

61 Section 47QQ. (a) As used in this section, “multi-user breast pump” shall mean a breast
62 pump that is: (i) capable of initiating and supporting milk supply; (ii) able to be used by multiple
63 users safely and hygienically; (iii) durable enough to be used by a mother who is expressing 8
64 times per day or more; (iv) is made for heavy usage with a long motor life; (v) operating using a
65 closed system; (vi) is capable of suction power from 0 to 300 mmHg; (vii) has a multiphase
66 system or the ability to customize vacuum and cycling for each user; and (viii) is run on
67 electricity, not batteries alone.

68 (b) Any policy, contract, agreement, plan or certificate of insurance issued, delivered or
69 renewed within the commonwealth, which is considered creditable coverage under section 1 of
70 chapter 111M, shall provide coverage for the cost of the rental and usage of a multi-user breast
71 pump by the mother of a newborn infant who is receiving care at an intensive care or special care
72 nursery, or has cardiac, neurological, or oral anomalies that prevent direct feeding at the breast,
73 until such time as the infant is discharged, or until the mother is no longer pumping breast milk.
74 The multi-user breast pump should be made available to the user within 24 hours of maternal
75 hospital discharge.

76 (c) Any policy, contract, agreement, plan or certificate of insurance issued, delivered or
77 renewed within the commonwealth, which is considered creditable coverage under section 1 of
78 chapter 111M, shall provide an individual, who is eligible for a covered multi-user breast pump

79 under this section, coverage for: (i) periodic replacement parts for the multi-user breast pump
80 including, but not limited to, connectors, valves, tubing, backflow protectors, and flanges; (ii)
81 breast milk storage bags; and (iii) microwave bags for sterilizing the multi-user breast pump
82 parts.

83 (d) Any policy, contract, agreement, plan or certificate of insurance issued, delivered or
84 renewed within the commonwealth, which is considered creditable coverage under section 1 of
85 chapter 111M, shall provide an individual, who is eligible for a covered multi-user breast pump
86 under this section, coverage for: (i) an initial assessment, instruction and fitting by an
87 International Board Certified Lactation Consultant (IBCLC); and (ii) ongoing assessment,
88 support and refitting as needed and prescribed by provider, by an IBCLC.

89 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after
90 section 8QQ the following section:-

91 Section 8RR. (a) As used in this section, “multi-user breast pump” shall mean a breast
92 pump that is: (i) capable of initiating and supporting milk supply; (ii) able to be used by multiple
93 users safely and hygienically; (iii) durable enough to be used by a mother who is expressing 8
94 times per day or more; (iv) is made for heavy usage with a long motor life; (v) operating using a
95 closed system; (vi) is capable of suction power from 0 to 300 mmHg; (vii) has a multiphase
96 system or the ability to customize vacuum and cycling for each user; and (viii) is run on
97 electricity, not batteries alone.

98 (b) Any contract between a subscriber and the corporation under an individual or group
99 hospital service plan that is delivered, issued or renewed within the commonwealth shall provide
100 coverage for the cost of the rental and usage of a multi-user breast pump by the mother of a

101 newborn infant who is receiving care at an intensive care or special care nursery, or has cardiac,
102 neurological, or oral anomalies that prevent direct feeding at the breast, until such time as the
103 infant is discharged, or until the mother is no longer pumping breast milk. The multi-user breast
104 pump shall be made available to the user within 24 hours of maternal hospital discharge.

105 (c) Any contract between a subscriber and the corporation under an individual or group
106 hospital service plan that is delivered, issued or renewed within the commonwealth shall provide
107 an individual, who is eligible for a covered multi-user breast pump under this section, coverage
108 for: (i) periodic replacement parts for the multi-user breast pump including, but not limited to,
109 connectors, valves, tubing, backflow protectors, and flanges; (ii) breast milk storage bags; and
110 (iii) microwave bags for sterilizing the multi-user breast pump parts.

111 (d) Any contract between a subscriber and the corporation under an individual or group
112 hospital service plan that is delivered, issued or renewed within the commonwealth shall provide
113 an individual, who is eligible for a covered multi-user breast pump under this section, coverage
114 for: (i) an initial assessment, instruction and fitting by an International Board Certified Lactation
115 Consultant (IBCLC); and (ii) ongoing assessment, support and refitting as needed and prescribed
116 by provider, by an IBCLC.

117 SECTION 5. Chapter 176B of the General laws is hereby amended by inserting after
118 section 4QQ the following section:-

119 Section 4RR. (a) As used in this section, “multi-user breast pump” shall mean a breast
120 pump that is: (i) capable of initiating and supporting milk supply; (ii) able to be used by multiple
121 users safely and hygienically; (iii) durable enough to be used by a mother who is expressing 8
122 times per day or more; (iv) is made for heavy usage with a long motor life; (v) operating using a

123 closed system; (vi) is capable of suction power from 0 to 300 mmHg; (vii) has a multiphase
124 system or the ability to customize vacuum and cycling for each user; and (viii) is run on
125 electricity, not batteries alone.

126 (b) Any subscription certificate under an individual or group medical service agreement
127 delivered, issued or renewed within the commonwealth shall provide coverage for the cost of the
128 rental and usage of a multi-user breast pump by the mother of a newborn infant who is receiving
129 care at an intensive care or special care nursery, or has cardiac, neurological, or oral anomalies
130 that prevent direct feeding at the breast, until such time as the infant is discharged, or until the
131 mother is no longer pumping breastmilk. The multi-user breast pump should be made available
132 to the user within 24 hours of maternal hospital discharge.

133 (c) Any subscription certificate under an individual or group medical service agreement
134 delivered, issued or renewed within the commonwealth shall provide an individual, who is
135 eligible for a covered multi-user breast pump under this section, coverage for: (i) periodic
136 replacement parts for the multi-user breast pump including, but not limited to, connectors,
137 valves, tubing, backflow protectors, and flanges; (ii) breast milk storage bags; and (iii)
138 microwave bags for sterilizing the multi-user breast pump parts.

139 (d) Any subscription certificate under an individual or group medical service agreement
140 delivered, issued or renewed within the commonwealth shall provide an individual, who is
141 eligible for a covered multi-user breast pump under this section, coverage for: (i) an initial
142 assessment, instruction and fitting by an International Board Certified Lactation Consultant
143 (IBCLC); and (ii) ongoing assessment, support and refitting as needed and prescribed by
144 provider, by an IBCLC.

145 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after
146 section 4GG the following section:-

147 Section 4HH. (a) As used in this section, “multi-user breast pump” shall mean a breast
148 pump that is: (i) capable of initiating and supporting milk supply; (ii) able to be used by multiple
149 users safely and hygienically; (iii) durable enough to be used by a mother who is expressing 8
150 times per day or more; (iv) is made for heavy usage with a long motor life; (v) operating using a
151 closed system; (vi) is capable of suction power from 0 to 300 mmHg; (vii) has a multiphase
152 system or the ability to customize vacuum and cycling for each user; and (viii) is run on
153 electricity, not batteries alone.

154 (b) An individual or group health maintenance contract that is issued or renewed shall
155 provide coverage for the cost of the rental and usage of a multi-user breast pump by the mother
156 of a newborn infant who is receiving care at an intensive care or special care nursery, or has
157 cardiac, neurological, or oral anomalies that prevent direct feeding at the breast, until such time
158 as the infant is discharged, or until the mother is no longer pumping breastmilk. The multi-user
159 breast pump should be made available to the user within 24 hours of maternal hospital discharge.

160 (c) An individual or group health maintenance contract that is issued or renewed shall
161 provide an individual, who is eligible for a covered multi-user breast pump under this section,
162 coverage for: (i) periodic replacement parts for the multi-user breast pump including, but not
163 limited to, connectors, valves, tubing, backflow protectors, and flanges; (ii) breast milk storage
164 bags; and (iii) microwave bags for sterilizing the multi-user breast pump parts.

165 (d) An individual or group health maintenance contract that is issued or renewed shall
166 provide an individual, who is eligible for a covered multi-user breast pump under this section,

167 coverage for: (i) an initial assessment, instruction and fitting by an International Board Certified
168 Lactation Consultant (IBCLC); and (ii) ongoing assessment, support and refitting as needed and
169 prescribed by provider, by an IBCLC.