S T A T E O F N E W Y O R K

9353--C

I N A S S E M B L Y

February 25, 2016

Introduced by M. of A. SOLAGES, ENGLEBRIGHT, ROSENTHAL, BRAUNSTEIN, SIMON, ABINANTI, LAVINE, JOYNER, TITONE, MILLER, FAHY, MOSLEY, SKOUFIS, BLAKE, FARRELL, PICHARDO, PEOPLES-STOKES, LINARES, BARRETT, BICHOTTE, STECK, BRONSON, NOLAN, McDONALD, O'DONNELL, TITUS, GIGLIO, KEARNS, BRABENEC, LUPARDO, ARROYO, DiPIETRO, SIMOTAS, AUBRY, RAIA, RAMOS, ROBINSON, HEVESI, PAULIN, WALKER, ORTIZ, FINCH, LENTOL, ZEBROWSKI, JEAN-PIERRE, JAFFEE, SEAWRIGHT, OTIS, DILAN -- Multi-Sponsored by -- M. of A. ABBATE, BRENNAN, BUCHWALD, CERETTO, COOK, CRESPO, CROUCH, DAVILA, DenDEKKER, DUPREY, GALEF, GOTTFRIED, HOOPER, HYNDMAN, LIFTON, MAGEE, RA, RICHARDSON, RUSSELL, SEPULVEDA, SKARTADOS, WRIGHT -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to requiring medical assistance coverage for the cost of donor breast milk in certain circumstances

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (dd) to read as follows:

(DD) THE COST OF DONOR BREAST MILK, FOR HOME AND INPATIENT USE, FOR WHICH A LICENSED MEDICAL PRACTITIONER HAS ISSUED AN ORDER FOR AN INFANT WHO IS MEDICALLY OR PHYSICALLY UNABLE TO RECEIVE MATERNAL BREAST MILK OR PARTICIPATE IN BREAST FEEDING OR WHOSE MOTHER IS MEDICALLY OR PHYSICALLY UNABLE TO PRODUCE MATERNAL BREAST MILK OR PARTICIPATE IN BREAST FEEDING. SUCH INFANT MUST: (I) HAVE A DOCUMENTED BIRTH WEIGHT OF ONE THOUSAND FIVE HUNDRED GRAMS OR LESS; (II) HAVE A CONGENITAL OR ACQUIRED INTESTINAL CONDITION, AND IS THEREFORE AT A HIGH RISK FOR DEVELOPMENT OF FEEDING INTOLERANCE, NECROTIZING ENTEROCOLITIS AND/OR INFECTION; OR (III) OTHERWISE REQUIRE NOURISHMENT BY BREAST MILK. COVERAGE FOR DONOR BREAST

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

LBD13070-09-6

MILK SHALL BE NOT LESS THAN THE REASONABLE COST OF SUCH MILK PROCURED FROM A CERTIFIED MILK BANK, PLUS REASONABLE PROCESSING AND HANDLING FEES.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.