STATE OF NEW YORK

1802

2019-2020 Regular Sessions

IN SENATE

January 16, 2019

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

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 (ff) to read as follows:

(ff) the cost of donor breast milk (PDHM), for 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 despite optimal lactation support. Such infant must: (i) have a documented birth weight of one thousand five hundred grams or less; or (ii) have a congenital or acquired intestinal condition, and is therefore at a high risk for development of necrotizing enterocolitis and/or infection. Coverage for donor breast milk (PDHM) shall continue until the infant is at an age of medical adjustment of thirty-four weeks corrected gestational age and such coverage shall be not less than the reasonable cost of such milk procured from a certified nonprofit milk bank, plus reasonable processing and handling fees.

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

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

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