

# STATE OF NEW YORK

5060

2021-2022 Regular Sessions

## IN ASSEMBLY

February 10, 2021

Introduced by M. of A. SOLAGES, JEAN-PIERRE, RA -- Multi-Sponsored by --  
M. of A. GALEF -- read once and referred 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 Assem-  
bly, do enact as follows:

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

3 (gg) the cost of donor breast milk (PDHM), for inpatient use, for  
4 which a licensed medical practitioner has issued an order for an infant  
5 who is medically or physically unable to receive maternal breast milk or  
6 participate in breast feeding or whose mother is medically or physically  
7 unable to produce maternal breast milk or participate in breast feeding  
8 despite optimal lactation support. Such infant must: (i) have a docu-  
9 mented birth weight of one thousand five hundred grams or less; or (ii)  
10 have a congenital or acquired intestinal condition, and is therefore at  
11 a high risk for development of necrotizing enterocolitis and/or  
12 infection. Coverage for donor breast milk (PDHM) shall continue until  
13 the infant is at an age of medical adjustment of thirty-four weeks  
14 corrected gestational age and such coverage shall be not less than the  
15 reasonable cost of such milk procured from a certified nonprofit milk  
16 bank, plus reasonable processing and handling fees.

17 § 2. This act shall take effect on the first of January next succeed-  
18 ing 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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