

STATE OF NEW YORK

3307

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and
when printed to be committed to the Committee on Women's Issues

AN ACT to amend the public health law, in relation to reimbursement for
donor human breast milk

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section
2 2505-c to read as follows:

3 § 2505-c. Reimbursement for breast milk. 1. The department shall reim-
4 burse a medical care facility for prescribed medically necessary donor
5 human breast milk provided to a recipient of medical assistance if:

6 (a) such recipient is:

7 (i) an infant under the age of three months;

8 (ii) critically ill; and

9 (iii) in the neonatal intensive care unit of the hospital;

10 (b) a person licensed to practice medicine and surgery orders the
11 donor human breast milk for the recipient;

12 (c) the department determines that the donor human breast milk is
13 medically necessary for the recipient;

14 (d) the parent or legal guardian of the recipient signs and dates an
15 informed consent form indicating the risks and benefits of using banked
16 donor human breast milk; and

17 (e) the donor human breast milk is obtained from a donor human breast
18 milk bank that meets the quality requirements established by the depart-
19 ment.

20 2. An electronic prior authorization system that uses the best medical
21 evidence and care and treatment guidelines consistent with national
22 standards shall be used by the department to determine medical necessi-
23 ty.

24 3. The department shall promulgate rules and regulations necessary to
25 implement the provisions of this section.

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

LBD07706-01-3

1 4. The department shall implement and administer the provisions of
2 this section in a manner consistent with applicable federal laws and
3 regulations. The department shall seek any necessary approvals of the
4 federal government that are required for the implementation of this
5 section.

6 § 2. This act shall take effect immediately.