

# STATE OF NEW YORK

7790--A

2023-2024 Regular Sessions

## IN ASSEMBLY

June 15, 2023

Introduced by M. of A. SOLAGES, BICHOTTE HERMELYN -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to expanding coverage requirements for human donor milk

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

1 Section 1. Paragraph 38 of subsection (i) of section 3216 of the  
2 insurance law, as added by section 10 of part MM of chapter 57 of the  
3 laws of 2018 and as renumbered by chapter 739 of the laws of 2022, is  
4 amended to read as follows:

5 (38) Every policy that provides coverage for hospital, surgical or  
6 medical care shall provide the following coverage for pasteurized donor  
7 human milk (PDHM), which may include fortifiers as medically indicated[  
8 ~~for inpatient use~~], for which a licensed medical practitioner has issued  
9 an order for an infant who is medically or physically unable to receive  
10 maternal breast milk or participate in breast feeding or whose mother is  
11 medically or physically unable to produce maternal breast milk at all or  
12 in sufficient quantities or participate in breast feeding despite opti-  
13 mal lactation support. Such infant shall: (i) have a documented birth  
14 weight of less than one thousand five hundred grams; or (ii) have a  
15 congenital or acquired condition that places the infant at a high risk  
16 for development of necrotizing enterocolitis.

17 § 2. Paragraph 20 of subsection (l) of section 3221 of the insurance  
18 law, as added by section 11 of part MM of chapter 57 of the laws of  
19 2018, is amended to read as follows:

20 (20) Every insurer delivering a group or blanket policy or issuing a  
21 group or blanket policy for delivery in this state that provides cover-  
22 age for hospital, surgical or medical care shall provide the following

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

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1 coverage for pasteurized donor human milk (PDHM), which may include  
2 fortifiers as medically indicated[~~, for inpatient use~~], for which a  
3 licensed medical practitioner has issued an order for an infant who is  
4 medically or physically unable to receive maternal breast milk or  
5 participate in breast feeding or whose mother is medically or physically  
6 unable to produce maternal breast milk at all or in sufficient quanti-  
7 ties or participate in breast feeding despite optimal lactation support.  
8 Such infant shall: (i) have a documented birth weight of less than one  
9 thousand five hundred grams; or (ii) have a congenital or acquired  
10 condition that places the infant at a high risk for development of  
11 necrotizing enterocolitis.

12 § 3. Subsection (oo) of section 4303 of the insurance law, as added by  
13 section 12 of part MM of chapter 57 of the laws of 2018, is amended to  
14 read as follows:

15 (oo) A medical expense indemnity corporation, a hospital service  
16 corporation or a health service corporation that provides coverage for  
17 hospital, surgical or medical care shall provide the following coverage  
18 for pasteurized donor human milk (PDHM), which may include fortifiers as  
19 medically indicated[~~, for inpatient use~~], for which a licensed medical  
20 practitioner has issued an order for an infant who is medically or phys-  
21 ically unable to receive maternal breast milk or participate in breast  
22 feeding or whose mother is medically or physically unable to produce  
23 maternal breast milk at all or in sufficient quantities or participate  
24 in breast feeding despite optimal lactation support. Such infant shall:  
25 (i) have a documented birth weight of less than one thousand five  
26 hundred grams; or (ii) have a congenital or acquired condition that  
27 places the infant at a high risk for development of necrotizing entero-  
28 colitis.

29 § 4. This act shall take effect on the first of January next succeed-  
30 ing the date on which it shall have become a law and shall apply to all  
31 policies issued, renewed, modified, altered or amended on or after such  
32 date. Effectively immediately, the addition, amendment and/or repeal of  
33 any rule or regulation necessary for the implementation of this act on  
34 its effective date are authorized to be made and completed on or before  
35 such date.