STATE OF NEW YORK

6674

2023-2024 Regular Sessions

IN SENATE

May 4, 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 social services law and 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:

Section 1. Paragraph (dd) of subdivision 2 of section 365-a of the social services law, as added by section 3 of part S of chapter 57 of the laws of 2017, is amended to read as follows:

(dd) pasteurized donor human milk (PDHM), which may include fortifiers as medically indicated[~~, 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 at all or in sufficient quantities or participate in breast feeding despite optimal lactation support. Such infant shall: (i) have a documented birth weight of less than one thousand five hundred grams; or (ii) have a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis; or (iii) have a congenital or acquired condition that may benefit from the use of donor breast milk as determined by the commissioner of health or his or her designee.

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

(38) Every policy that provides coverage for hospital, surgical or medical care shall provide the following coverage for pasteurized donor human milk (PDHM), which may include fortifiers as medically indicated[~~, for inpatient use~~], for which a licensed medical practitioner has issued an order for an infant who is medically or physically unable to receive

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

LBD11129-02-3

maternal breast milk or participate in breast feeding or whose mother is medically or physically unable to produce maternal breast milk at all or in sufficient quantities or participate in breast feeding despite optimal lactation support. Such infant shall: (i) have a documented birth weight of less than one thousand five hundred grams; or (ii) have a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis.

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

(20) Every insurer delivering a group or blanket policy or issuing a group or blanket policy for delivery in this state that provides coverage for hospital, surgical or medical care shall provide the following coverage for pasteurized donor human milk (PDHM), which may include fortifiers as medically indicated[~~, 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 at all or in sufficient quantities or participate in breast feeding despite optimal lactation support. Such infant shall: (i) have a documented birth weight of less than one thousand five hundred grams; or (ii) have a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis.

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

(oo) A medical expense indemnity corporation, a hospital service corporation or a health service corporation that provides coverage for hospital, surgical or medical care shall provide the following coverage for pasteurized donor human milk (PDHM), which may include fortifiers as medically indicated[~~, 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 at all or in sufficient quantities or participate in breast feeding despite optimal lactation support. Such infant shall: (i) have a documented birth weight of less than one thousand five hundred grams; or (ii) have a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis.

§ 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all policies issued, renewed, modified, or altered on or after such date. Effectively immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.