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H.579

Introduced by Representatives Cordes of Lincoln, Anthony of Barre City, Cina
of Burlington, Elder of Starksboro, Lefebvre of Orange,
Mulvaney-Stanak of Burlington, Pajala of Londonderry, Patt of
Worcester, Stebbins of Burlington, Surprenant of Barnard, Till
of Jericho, Troiano of Stannard, Vyhovsky of Essex, and White
of Hartford

Referred to Committee on

Date:

Subject: Health; health insurance; Medicaid; Children's Health Insurance
Program; donated human breast milk

Statement of purpose of bill as introduced: This bill proposes to require health
insurance plans and the Dr. Dynasaur program to cover pasteurized donated
human breast milk for infants under 12 months of age under certain
circumstances.

An act relating to health insurance coverage for donated human breast milk

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 8 V.S.A. § 4093 is added to read:

3 § 4093. DONATED HUMAN BREAST MILK

4 (a) As used in this section, “health insurance plan” means any individual or
5 group health insurance policy, any hospital or medical service corporation or
6 health maintenance organization subscriber contract, or any other health
7 benefit plan offered, issued, or renewed for any person in this State by a health
8 insurer as defined in 18 V.S.A. § 9402. The term does not include benefit
9 plans providing coverage for a specific disease or other limited benefit
10 coverage.

11 (b) A health insurance plan, including a plan providing coverage for a
12 newborn during the period required by section 4092 of this chapter, shall
13 provide coverage for pasteurized donated human breast milk, including human
14 milk fortifiers if so indicated by the prescriber, for an insured who is an infant
15 under 12 months of age if all of the following conditions are met:

16 (1) the milk is prescribed for the infant by a licensed health care
17 professional;

18 (2) the milk and human milk fortifiers are obtained from a human milk
19 bank or dispensing site that is certified by the Human Milk Banking
20 Association of North America or is licensed by the Vermont Department of
21 Health;

1 (3) the infant's parent or guardian is not medically or physically able to
2 produce human milk or to produce human milk in sufficient quantities to meet
3 the infant's needs, or the parent's or guardian's human milk is contraindicated;
4 and

5 (4) the milk has been determined to be medically necessary for the
6 infant for reasons that may include:

7 (A) premature birth;

8 (B) low birth weight;

9 (C) failure to thrive;

10 (D) weight loss or slow weight gain;

11 (E) malabsorption;

12 (F) cleft lip or cleft palate;

13 (G) adoption; or

14 (H) any other reason for which the prescriber deems pasteurized
15 donated human breast milk to be medically necessary for the infant.

16 Sec. 2. 33 V.S.A. § 1901k is added to read:

17 § 1901k. DONATED HUMAN BREAST MILK

18 The Agency of Human Services shall provide coverage for pasteurized
19 donated human breast milk, including human milk fortifiers if so indicated by
20 the prescriber, for a beneficiary of Medicaid or the Children's Health Insurance

1 Program who is an infant under 12 months of age if all of the following
2 conditions are met:

3 (1) the milk is prescribed for the infant by a licensed health care
4 professional;

5 (2) the milk and human milk fortifiers are obtained from a human milk
6 bank or dispensing site that is certified by the Human Milk Banking
7 Association of North America or is licensed by the Vermont Department of
8 Health;

9 (3) the infant's parent or guardian is not medically or physically able to
10 produce human milk or to produce human milk in sufficient quantities to meet
11 the infant's needs, or the parent's or guardian's human milk is contraindicated;
12 and

13 (4) the milk has been determined to be medically necessary for the
14 infant for reasons that may include:

15 (A) premature birth;

16 (B) low birth weight;

17 (C) failure to thrive;

18 (D) weight loss or slow weight gain;

19 (E) malabsorption;

20 (F) cleft lip or cleft palate;

21 (G) adoption; or

1 (H) any other reason for which the prescriber has deemed pasteurized
2 donated human breast milk to be medically necessary for the infant.

3 Sec. 3. AGENCY OF HUMAN SERVICES; STATE PLAN AMENDMENT

4 The Agency of Human Services shall seek approval from the Centers for
5 Medicare and Medicaid Services as needed to amend Vermont's Medicaid
6 state plan to provide coverage for donated human breast milk in accordance
7 with Sec. 2 of this act.

8 Sec. 4. EFFECTIVE DATES

9 (a) Sec. 1 (8 V.S.A. § 4093) shall take effect on January 1, 2023 and shall
10 apply to all health insurance plans issued on and after January 1, 2023 on such
11 date as a health insurer offers, issues, or renews the health insurance plan, but
12 in no event later than January 1, 2024.

13 (b) Sec. 2 (33 V.S.A. § 1901k) shall take effect upon approval by the
14 Centers for Medicare and Medicaid Services of Vermont's Medicaid state plan
15 amendment.

16 (c) Sec. 3 (Agency of Human Services; state plan amendment) and this
17 section shall take effect on passage.