

1 H.115

2 Introduced by Representatives Cordes of Lincoln, Cole of Hartford, Elder of
3 Starksboro, McCann of Montpelier, McGill of Bridport,
4 Mulvaney-Stanak of Burlington, Priestley of Bradford, Sims of
5 Craftsbury, and Surprenant of Barnard

6 Referred to Committee on

7 Date:

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

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

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

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

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

17 § 4093. DONATED HUMAN BREAST MILK

18 (a) As used in this section, "health insurance plan" means any individual or
19 group health insurance policy, any hospital or medical service corporation or
20 health maintenance organization subscriber contract, or any other health

1 benefit plan offered, issued, or renewed for any person in this State by a health
2 insurer as defined in 18 V.S.A. § 9402. The term does not include benefit
3 plans providing coverage for a specific disease or other limited benefit
4 coverage.

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

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

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

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

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

- 1 (A) premature birth;
2 (B) low birth weight;
3 (C) failure to thrive;
4 (D) weight loss or slow weight gain;
5 (E) malabsorption;
6 (F) cleft lip or cleft palate;
7 (G) adoption; or
8 (H) any other reason for which the prescriber deems pasteurized
9 donated human breast milk to be medically necessary for the infant.

10 Sec. 2. 33 V.S.A. § 19011 is added to read:

11 § 19011. DONATED HUMAN BREAST MILK

12 The Agency of Human Services shall provide coverage for pasteurized
13 donated human breast milk, including human milk fortifiers if so indicated by
14 the prescriber, for a beneficiary of Medicaid or the Children’s Health Insurance
15 Program who is an infant under 12 months of age if all of the following
16 conditions are met:

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

19 (2) the milk and human milk fortifiers are obtained from a human milk
20 bank or dispensing site that is certified by the Human Milk Banking

1 Association of North America or is licensed by the Vermont Department of

2 Health;

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

6 and

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

9 (A) premature birth;

10 (B) low birth weight;

11 (C) failure to thrive;

12 (D) weight loss or slow weight gain;

13 (E) malabsorption;

14 (F) cleft lip or cleft palate;

15 (G) adoption; or

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

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

19 The Agency of Human Services shall seek approval from the Centers for
20 Medicare and Medicaid Services as needed to amend Vermont's Medicaid

1 state plan to provide coverage for donated human breast milk in accordance
2 with Sec. 2 of this act.

3 Sec. 4. EFFECTIVE DATES

4 (a) Sec. 1 (8 V.S.A. § 4093) shall take effect on January 1, 2024 and shall
5 apply to all health insurance plans issued on and after January 1, 2024 on such
6 date as a health insurer offers, issues, or renews the health insurance plan, but
7 in no event later than January 1, 2025.

8 (b) Sec. 2 (33 V.S.A. § 19011) shall take effect upon approval by the
9 Centers for Medicare and Medicaid Services of Vermont's Medicaid state plan
10 amendment.

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