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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **1859**

02/28/2019 Authored by Zerwas, Mann, Morrison, Olson, Edelson and others
The bill was read for the first time and referred to the Committee on Commerce

- 1.1 A bill for an act
- 1.2 relating to health insurance; requiring coverage for donated human breast milk;
- 1.3 amending Minnesota Statutes 2018, section 256B.0625, by adding a subdivision;
- 1.4 proposing coding for new law in Minnesota Statutes, chapter 62Q.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. **[62Q.512] COVERAGE OF DONATED HUMAN BREAST MILK.**
- 1.7 (a) A health plan must provide coverage for pasteurized donated human breast milk,
- 1.8 including human milk fortifiers if prescribed by a health care provider, in compliance with
- 1.9 this section.
- 1.10 (b) Coverage under this section is required if:
- 1.11 (1) a health care provider has issued a written order for human breast milk to be provided
- 1.12 to the infant;
- 1.13 (2) the milk is obtained from a human milk bank that meets quality guidelines established
- 1.14 by the commissioner of health; and
- 1.15 (3) the covered individual is an infant under the age of six months who:
- 1.16 (i) is medically or physically unable to receive maternal breast milk or participate in
- 1.17 breastfeeding, or whose mother is medically or physically unable to provide maternal breast
- 1.18 milk in sufficient quantities or participate in breastfeeding despite optimal lactation support;
- 1.19 (ii) has a body weight below health levels, as determined by a health care provider;
- 1.20 (iii) has a congenital or acquired condition that places the infant at a high risk for
- 1.21 development of necrotizing enterocolitis; or

2.1 (iv) has a congenital or acquired condition that may benefit from the use of human breast
2.2 milk, as determined by the commissioner of health.

2.3 (c) This section does not prohibit a health plan company from performing a utilization
2.4 review, including a periodic review of the medical necessity for a particular service.

2.5 (d) The cost-sharing requirements, including co-pays, deductibles, and coinsurance, for
2.6 coverage under this section must be the same as those for similar benefits under the health
2.7 plan.

2.8 (e) For purposes of this section, a "health plan" includes (1) coverage offered by a
2.9 county-based purchasing plan participating in a public program under chapter 256B or 256L,
2.10 and (2) an integrated health partnership under section 256B.0755.

2.11 **EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to health
2.12 plans offered, issued, or renewed on or after that date.

2.13 Sec. 2. Minnesota Statutes 2018, section 256B.0625, is amended by adding a subdivision
2.14 to read:

2.15 Subd. 32a. **Donated human breast milk.** Medical assistance covers pasteurized donated
2.16 human breast milk, including human milk fortifiers if prescribed by a health care provider,
2.17 as provided under section 62Q.512.

2.18 **EFFECTIVE DATE.** This section is effective January 1, 2020.