

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 267

S.P. 126

In Senate, January 27, 2023

An Act to Require Private Insurance Coverage for Donor Breast Milk

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRENNER of Cumberland.
Cosponsored by Representative MADIGAN of Waterville and
Senator: RENY of Lincoln, Representatives: PERRY of Calais, STOVER of Boothbay.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24-A MRSA §4320-V** is enacted to read:

3 **§4320-V. Coverage for donor breast milk**

4 **1. Required coverage.** A carrier offering a health plan in this State shall provide
5 coverage for pasteurized donor breast milk provided to an infant eligible for coverage under
6 the health plan if a physician or physician assistant licensed under Title 32, chapter 36 or
7 48 or an advanced practice registered nurse licensed under Title 32, chapter 31 signs an
8 order stating that:

9 A. The infant is medically or physically unable to receive maternal breast milk or
10 participate in breastfeeding or the infant's parent is medically or physically unable to
11 produce maternal breast milk in quantities sufficient for the infant; and

12 B. The infant:

13 (1) Was born at a birth weight of less than 1,500 grams;

14 (2) Has a gastrointestinal anomaly or metabolic or digestive disorder or is
15 recovering from intestinal surgery and the infant's digestive needs require
16 additional support;

17 (3) Is not appropriately gaining weight or growing;

18 (4) Has formula intolerance and is experiencing weight loss or difficulty feeding;

19 (5) Has low blood sugar;

20 (6) Has congenital heart disease;

21 (7) Has received or will receive an organ transplant; or

22 (8) Has another serious medical condition for which donor breast milk is medically
23 necessary.

24 **2. Cost sharing prohibited.** A carrier may not impose any deductible, copayment,
25 coinsurance or other cost-sharing requirement for the costs of donor breast milk provided
26 pursuant to this section.

27 **Sec. 2. Application.** The requirements of this Act apply to all policies, contracts and
28 certificates executed, delivered, issued for delivery, continued or renewed in this State on
29 or after January 1, 2024. For purposes of this Act, all policies, contracts and certificates are
30 deemed to be renewed no later than the next yearly anniversary of the contract date.

31 **SUMMARY**

32 This bill provides that health plans must provide coverage for donor breast milk. The
33 requirements apply beginning on January 1, 2024.