

**SUBCOMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB469 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Carol Bush \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

PROPOSED  
SUBCOMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 469

By: Hicks, Garvin, Stanley,  
David and Kirt of the  
Senate

and

Bush and Miller of the  
House

PROPOSED SUBCOMMITTEE SUBSTITUTE

An Act relating to the state Medicaid program;  
requiring coverage of medically necessary pasteurized  
donor human milk under certain conditions; directing  
promulgation of rules; authorizing adoption of  
certain policy or procedure; directing the Authority  
to seek certain federal approval; providing for  
codification; providing an effective date; and  
declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 5026.1 of Title 63, unless there  
is created a duplication in numbering, reads as follows:

A. The Oklahoma Health Care Authority, to the extent  
permissible under federal law, shall provide Medicaid coverage for

1 medically necessary pasteurized donor human milk and donor human  
2 milk-derived products in a home setting; provided:

3 1. A physician, physician assistant or Advanced Practice  
4 Registered Nurse licensed in this state signs an order stating that  
5 such milk is medically necessary for an infant Medicaid beneficiary;

6 2. a. The infant is medically or physically unable to  
7 receive maternal breast milk or participate in  
8 breastfeeding, or

9 b. The infant's mother is medically or physically unable  
10 to produce maternal breast milk in sufficient  
11 quantities; and

12 3. Such milk is provided by a donor human milk bank that meets  
13 the quality standards of and is licensed by the Authority.

14 B. The Oklahoma Health Care Authority Board shall promulgate  
15 rules to implement the provisions of this section including, but not  
16 limited to, the following:

17 1. Establishing infant birth weight and health conditions that  
18 may make the provision of pasteurized donor human milk and donor  
19 human milk-derived products medically necessary and time limits for  
20 Medicaid coverage of pasteurized donor human milk and donor human  
21 milk-derived products; and

22 2. Establishing minimum quality standards and licensing of all  
23 human milk banks that collect, process, distribute and sell  
24

1 pasteurized donor human milk and donor human milk-derived products  
2 in the state.

3 C. The Board may adopt a policy or procedure to implement the  
4 provisions of this section while in the process of promulgating  
5 rules; provided, such policy or procedure is posted on the Internet  
6 website of the Authority prior to adoption of the policy.

7 D. The Authority shall seek any federal approval necessary to  
8 implement this section.

9 SECTION 2. This act shall become effective July 1, 2021.

10 SECTION 3. It being immediately necessary for the preservation  
11 of the public peace, health or safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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15 58-1-7961 AB 03/24/21

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