

1 **SENATE FLOOR VERSION**

2 March 3, 2021

3 **AS AMENDED**

4 SENATE BILL NO. 469

5 By: Hicks, Garvin, Stanley and
6 David of the Senate

7 and

8 Bush of the House

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

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

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

21 A. The Oklahoma Health Care Authority, to the extent
22 permissible under federal law, shall provide Medicaid coverage for
23 medically necessary pasteurized donor human milk in a home setting;
24 provided:

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

1 2. a. The infant is medically or physically unable to
2 receive maternal breast milk or participate in
3 breastfeeding, or

4 b. The infant's mother is medically or physically unable
5 to produce maternal breast milk in sufficient
6 quantities; and

7 3. Such milk is provided by a donor human milk bank that
8 adheres to quality standards of and is accredited by the Human Milk
9 Banking Association of North America or such other standards or
10 accreditation as may be required by the Authority.

11 B. The Oklahoma Health Care Authority Board shall promulgate
12 rules to implement the provisions of this section including, but not
13 limited to, establishing infant birth weight and health conditions
14 that may make the provision of pasteurized donor human milk
15 medically necessary and time limits for Medicaid coverage of
16 pasteurized donor human milk. The Board may adopt a policy or
17 procedure to implement the provisions of this section while in the
18 process of promulgating rules; provided, such policy or procedure is
19 posted on the Internet website of the Authority prior to adoption of
20 the policy.

21 C. The Authority shall seek any federal approval necessary to
22 implement this section.

23 SECTION 2. This act shall become effective July 1, 2021.
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1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
6 March 3, 2021 - DO PASS
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