

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2017 Session of 2021

INTRODUCED BY THOMAS, A. DAVIS, OBERLANDER, BENHAM, BRADFORD, CIRESI, T. DAVIS, FARRY, HANBIDGE, HOWARD, INNAMORATO, KINSEY, RABB, ROWE, SANCHEZ AND SCHLOSSBERG, OCTOBER 27, 2021

REFERRED TO COMMITTEE ON INSURANCE, OCTOBER 27, 2021

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
 2 act relating to insurance; amending, revising, and
 3 consolidating the law providing for the incorporation of
 4 insurance companies, and the regulation, supervision, and
 5 protection of home and foreign insurance companies, Lloyds
 6 associations, reciprocal and inter-insurance exchanges, and
 7 fire insurance rating bureaus, and the regulation and
 8 supervision of insurance carried by such companies,
 9 associations, and exchanges, including insurance carried by
 10 the State Workmen's Insurance Fund; providing penalties; and
 11 repealing existing laws," in casualty insurance, providing
 12 for coverage for inpatient and outpatient pasteurized donor
 13 human milk.

14 The General Assembly of the Commonwealth of Pennsylvania
 15 hereby enacts as follows:

16 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
 17 as The Insurance Company Law of 1921, is amended by adding a
 18 section to read:

19 Section 633.1. Coverage for Inpatient and Outpatient
 20 Pasteurized Donor Human Milk.--(a) Every health insurance
 21 policy that provides pregnancy-related benefits and is
 22 delivered, issued, executed or renewed in this Commonwealth on
 23 or after the effective date of this section shall provide

1 coverage for the use of pasteurized donor human milk in
2 inpatient settings, as deemed medically necessary and medically
3 prescribed, subject to all of the following conditions:

4 (1) The covered person is a child under the age of twelve
5 (12) months based on that child's gestationally corrected age.

6 (2) The pasteurized donor human milk is obtained from a milk
7 bank licensed in Pennsylvania in accordance with the act of
8 February 12, 2020 (P.L.13, No.7), known as the "Keystone
9 Mother's Milk Bank Act."

10 (3) The child's mother is medically or physically unable to
11 produce maternal breast milk or produce maternal breast milk in
12 sufficient quantities to meet the child's needs or the maternal
13 breast milk is contraindicated.

14 (4) Pasteurized donor human milk has been determined to be
15 medically necessary in the child who exhibits one or more of the
16 following:

17 (i) An infant birth weight below eighteen hundred (1800)
18 grams.

19 (ii) An infant gestational age equal to or less than thirty-
20 four (34) weeks.

21 (iii) Infant hypoglycemia.

22 (iv) A high risk for development of necrotizing
23 enterocolitis, bronchopulmonary dysplasia or retinopathy of
24 prematurity.

25 (v) A congenital or acquired gastrointestinal condition with
26 long-term feeding or malabsorption complications.

27 (vi) Congenital heart disease requiring surgery in the first
28 year of life.

29 (vii) Has had or will have an organ or bone marrow
30 transplant.

1 (viii) Sepsis.

2 (ix) Congenital hypotonias associated with feeding
3 difficulty or malabsorption.

4 (x) Renal disease requiring dialysis in the first year of
5 life.

6 (xi) Craniofacial anomalies.

7 (xii) An immunologic deficiency.

8 (xiii) Neonatal abstinence syndrome.

9 (xiv) Any other serious congenital or acquired condition for
10 which the use of pasteurized donor human milk is medically
11 necessary and supports the treatment and recovery of the child.

12 (b) Every health insurance policy that provides pregnancy-
13 related benefits and is delivered, issued, executed or renewed
14 in this Commonwealth on or after the effective date of this
15 section shall provide coverage for the use of pasteurized donor
16 human milk in outpatient settings, as deemed medically necessary
17 and medically prescribed, subject to all of the following
18 conditions:

19 (1) The covered person is a child under the age of twelve
20 (12) months based on that child's gestationally corrected age.

21 (2) The pasteurized donor human milk is obtained from a milk
22 bank licensed in Pennsylvania in accordance with the "Keystone
23 Mother's Milk Bank Act."

24 (3) The child's mother is medically or physically unable to
25 produce maternal breast milk or produce maternal breast milk in
26 sufficient quantities to meet the child's needs or the maternal
27 breast milk is contraindicated.

28 (4) Pasteurized donor human milk has been determined to be
29 medically necessary in the child who exhibits one or more of the
30 following:

- 1 (i) A congenital or acquired gastrointestinal condition with
2 long-term feeding or malabsorption complications.
- 3 (ii) Congenital heart disease requiring surgery in the first
4 year of life.
- 5 (iii) Has had or will have an organ or bone marrow
6 transplant.
- 7 (iv) A history of sepsis.
- 8 (v) Congenital hypotonias associated with feeding difficulty
9 or malabsorption.
- 10 (vi) Renal disease requiring dialysis in the first year of
11 life.
- 12 (vii) Craniofacial anomalies.
- 13 (viii) An immunologic deficiency.
- 14 (ix) Any other serious congenital or acquired condition for
15 which the use of pasteurized donor human milk is medically
16 necessary and supports the treatment and recovery of the child.
- 17 (c) Reimbursement for pasteurized donor human milk under
18 subsection (a) shall be made separately from the hospital
19 payment for inpatient services.
- 20 (d) As used in this section, the term "health insurance
21 policy":
- 22 (1) Means an individual or group health insurance policy,
23 contract or plan that provides medical or health care coverage
24 by any health care facility or licensed health care provider on
25 an expense-incurred service or prepaid basis and that is offered
26 by or is governed under any of the following:
- 27 (i) This act.
- 28 (ii) Subdivision (f) of Article IV of the act of June 13,
29 1967 (P.L.31, No.21), known as the "Human Services Code."
- 30 (iii) The act of December 29, 1972 (P.L.1701, No.364), known

1 as the "Health Maintenance Organization Act."

2 (iv) The act of May 18, 1976 (P.L.123, No.54), known as the
3 "Individual Accident and Sickness Insurance Minimum Standards
4 Act."

5 (v) A nonprofit corporation subject to 40 Pa.C.S. Ch. 61
6 (relating to hospital plan corporations) or 63 (relating to
7 professional health services plan corporations).

8 (2) Does not include accident only, fixed indemnity, limited
9 benefit, credit, dental, vision, specified disease, Medicare
10 supplement, Civilian Health and Medical Program of the Uniformed
11 Services (CHAMPUS) supplement, long-term care or disability
12 income, workers' compensation or automobile medical payment
13 insurance.

14 Section 2. This act shall take effect in 60 days.