

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 673 Session of 2023

INTRODUCED BY BARTOLOTTA, KEARNEY, STREET, BREWSTER,
 CAPPELLETTI, VOGEL, ARGALL, CULVER, PENNYCUICK AND J. WARD,
 MAY 15, 2023

REFERRED TO BANKING AND INSURANCE, MAY 15, 2023

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 pasteurized donor human milk and
 13 human milk-derived products.

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 Pasteurized Donor
 20 Human Milk and Human Milk-derived Products.--(a) Every health
 21 insurance policy that is delivered, issued, executed or renewed
 22 in this Commonwealth on or after the effective date of this
 23 section shall provide coverage for the use of pasteurized donor

1 human milk and human milk-derived products in an inpatient
2 setting for an infant whose gestationally corrected age is under
3 twelve months, provided all of the following apply:

4 (1) A licensed health professional signs an order stating
5 that the milk and, if applicable, human milk-derived products,
6 are medically necessary due to any of the following:

7 (i) the infant has a birth weight less than one thousand
8 eight hundred grams or has an infant body weight below healthy
9 levels as determined by a licensed health professional;

10 (ii) the infant's gestational age at birth was thirty-four
11 weeks or less; or

12 (iii) the infant has a congenital or acquired condition that
13 the licensed health professional determines that the use of
14 pasteurized donor human milk or human milk-derived products is
15 medically necessary and will support the treatment and recovery
16 of the infant.

17 (2) The infant is medically or physically unable to receive
18 maternal breast milk or participate in breastfeeding, or the
19 infant's mother is medically or physically unable to produce
20 breast milk in sufficient quantities or of adequate caloric
21 density, despite lactation support.

22 (3) The pasteurized donor human milk or human milk-derived
23 product is obtained from a milk bank licensed in this
24 Commonwealth in accordance with the act of February 12, 2020
25 (P.L.13, No.7), known as the "Keystone Mother's Milk Bank Act."

26 (b) Reimbursement for pasteurized donor human milk and human
27 milk-derived products shall be separate from the hospital
28 payment for inpatient services.

29 (c) As used in this section, the following words and phrases
30 shall have the meanings given to them in this subsection unless

1 the context clearly indicates otherwise:

2 "Health insurance policy" means:

3 (1) An individual or group health insurance policy, contract
4 or plan that provides medical or health care coverage by any
5 health care facility or licensed health care provider on an
6 expense-incurred service or prepaid basis and that is offered by
7 or is governed under any of the following:

8 (i) This act.

9 (ii) Subarticle (f) of Article IV of the act of June 13,
10 1967 (P.L.31, No.21), known as the "Human Services Code."

11 (iii) The act of December 29, 1972 (P.L.1701, No.364), known
12 as the "Health Maintenance Organization Act."

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

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

19 (2) The term does not include:

20 (i) An accident only policy.

21 (ii) A credit only policy.

22 (iii) A long-term care or disability income policy.

23 (iv) A specified disease policy.

24 (v) A Medicare supplement policy.

25 (vi) A TRICARE policy, including a Civilian Health and
26 Medical Program of the Uniformed Services (CHAMPUS) supplement
27 policy.

28 (vii) A fixed indemnity policy.

29 (viii) A hospital indemnity policy.

30 (ix) A dental only policy.

- 1 (x) A vision only policy.
2 (xi) A workers' compensation policy.
3 (xii) An automobile medical payment policy.
4 (xiii) A homeowners' insurance policy.
5 (xiv) A short-term limited duration policy.
6 (xv) Any other similar policy providing for limited
7 benefits.

8 "Licensed health professional" means a licensed physician,
9 licensed physician assistant or certified registered nurse
10 practitioner, including a clinical nurse specialist, certified
11 nurse-midwife or certified nurse practitioner.

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