



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3509

by Rep. Katie Stuart

SYNOPSIS AS INTRODUCED:

5 ILCS 375/6.16 new
215 ILCS 5/356z.33 new
305 ILCS 5/5-40 new

Amends the State Employees Group Insurance Act of 1971, Illinois Insurance Code, and the Illinois Public Aid Code. Provides that pasteurized donated human breast milk shall be covered under health insurance and the medical assistance program under the Illinois Public Aid Code. Describes the requirements that must be met to have pasteurized human breast milk covered under health insurance and the medical assistance program. Effective January 1, 2020.

LRB101 09808 RAB 54909 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Employees Group Insurance Act of 1971
5 is amended by adding Section 6.16 as follows:

6 (5 ILCS 375/6.16 new)

7 Sec. 6.16. Human breast milk coverage. Notwithstanding any
8 other provision of this Act, pasteurized donated human breast
9 milk, which may include human milk fortifiers if indicated by a
10 prescribing licensed medical practitioner, shall be covered
11 under a health plan for persons who are otherwise eligible for
12 coverage under this Act, if the covered person is an infant
13 under the age of 6 months, a physician prescribes the milk for
14 the covered person, and:

15 (1) the milk is obtained from a human milk bank that
16 meets quality guidelines established by the Human Milk
17 Banking Association of North America, or that is licensed
18 by the Department of Public Health;

19 (2) a licensed medical practitioner has issued an order
20 for an infant who is medically or physically unable to
21 receive maternal breast milk or participate in breast
22 feeding or whose mother is medically or physically unable
23 to produce maternal breast milk in sufficient quantities or

1 participate in breast feeding despite optimal lactation
2 support; or

3 (3) a licensed medical practitioner has issued an order
4 for an infant who meets any of the following conditions:

5 (A) a body weight below healthy levels determined
6 by the licensed medical practitioner;

7 (B) a congenital or acquired condition that places
8 the infant at a high risk for development of
9 necrotizing enterocolitis; or

10 (C) a congenital or acquired condition that may
11 benefit from the use of donor breast milk as determined
12 by the Department of Public Health.

13 Section 10. The Illinois Insurance Code is amended by
14 adding Section 356z.33 as follows:

15 (215 ILCS 5/356z.33 new)

16 Sec. 356z.33. Human breast milk coverage. Notwithstanding
17 any other provision of this Act, pasteurized donated human
18 breast milk, which may include human milk fortifiers if
19 indicated by a prescribing licensed medical practitioner,
20 shall be covered under an individual or group health insurance
21 for persons who are otherwise eligible for coverage under this
22 Act, if the covered person is an infant under the age of 6
23 months, a physician prescribes the milk for the covered person,
24 and:

1 (1) the milk is obtained from a human milk bank that
2 meets quality guidelines established by the Human Milk
3 Banking Association of North America, or that is licensed
4 by the Department of Public Health;

5 (2) a licensed medical practitioner has issued an order
6 for an infant who is medically or physically unable to
7 receive maternal breast milk or participate in breast
8 feeding or whose mother is medically or physically unable
9 to produce maternal breast milk in sufficient quantities or
10 participate in breast feeding despite optimal lactation
11 support; or

12 (3) a licensed medical practitioner has issued an order
13 for an infant who meets any of the following conditions:

14 (A) a body weight below healthy levels determined
15 by the licensed medical practitioner;

16 (B) a congenital or acquired condition that places
17 the infant at a high risk for development of
18 necrotizing enterocolitis; or

19 (C) a congenital or acquired condition that may
20 benefit from the use of donor breast milk as determined
21 by the Department of Public Health.

22 Section 15. The Illinois Public Aid Code is amended by
23 adding Section 5-40 as follows:

24 (305 ILCS 5/5-40 new)

1 Sec. 5-40. Human breast milk coverage. Notwithstanding any
2 other provision of this Act, pasteurized donated human breast
3 milk, which may include human milk fortifiers if indicated by a
4 prescribing licensed medical practitioner, shall be covered
5 under a health plan for persons who are otherwise eligible for
6 coverage under this Act, if the covered person is an infant
7 under the age of 6 months, a physician prescribes the milk for
8 the covered person, and:

9 (1) the milk is obtained from a human milk bank that
10 meets quality guidelines established by the Human Milk
11 Banking Association of North America, or that is licensed
12 by the Department of Public Health;

13 (2) a licensed medical practitioner has issued an order
14 for an infant who is medically or physically unable to
15 receive maternal breast milk or participate in breast
16 feeding or whose mother is medically or physically unable
17 to produce maternal breast milk in sufficient quantities or
18 participate in breast feeding despite optimal lactation
19 support; or

20 (3) a licensed medical practitioner has issued an order
21 for an infant who meets any of the following conditions:

22 (A) a body weight below healthy levels determined
23 by the licensed medical practitioner;

24 (B) a congenital or acquired condition that places
25 the infant at a high risk for development of
26 necrotizing enterocolitis; or

1 (C) a congenital or acquired condition that may
2 benefit from the use of donor breast milk as determined
3 by the Department of Public Health.

4 Section 99. Effective date. This Act takes effect January
5 1, 2020.