

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.

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

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

20 (2) the infant's mother is medically or physically
21 unable to produce maternal breast milk or produce maternal
22 breast milk in sufficient quantities to meet the infant's
23 needs or the maternal breast milk is contraindicated;

1 (3) the milk has been determined to be medically
2 necessary for the infant; and

3 (4) one or more of the following applies:

4 (A) the infant's birth weight is below 1,500 grams;

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

8 (C) the infant has infant hypoglycemia;

9 (D) the infant has congenital heart disease;

10 (E) the infant has had or will have an organ
11 transplant;

12 (F) the infant has sepsis; or

13 (G) the infant has any other serious congenital or
14 acquired condition for which the use of donated human
15 breast milk is medically necessary and supports the
16 treatment and recovery of the infant.

17 (b) Notwithstanding any other provision of this Act,
18 pasteurized donated human breast milk, which may include human
19 milk fortifiers if indicated by a prescribing licensed medical
20 practitioner, shall be covered under a health plan for persons
21 who are otherwise eligible for coverage under this Act if the
22 covered person is a child 6 months through 12 months of age, a
23 licensed medical practitioner prescribes the milk for the
24 covered person, and all of the following conditions are met:

25 (1) the milk is obtained from a human milk bank that
26 meets quality guidelines established by the Human Milk

1 Banking Association of North America or is licensed by the
2 Department of Public Health;

3 (2) the child's mother is medically or physically
4 unable to produce maternal breast milk or produce maternal
5 breast milk in sufficient quantities to meet the child's
6 needs or the maternal breast milk is contraindicated;

7 (3) the milk has been determined to be medically
8 necessary for the child; and

9 (4) one or more of the following applies:

10 (A) the child has spinal muscular atrophy;

11 (B) the child's birth weight was below 1,500 grams
12 and he or she has long-term feeding or gastrointestinal
13 complications related to prematurity;

14 (C) the child has had or will have an organ
15 transplant; or

16 (D) the child has a congenital or acquired
17 condition for which the use of donated human breast
18 milk is medically necessary and supports the treatment
19 and recovery of the child.

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

22 (215 ILCS 5/356z.33 new)

23 Sec. 356z.33. Human breast milk coverage.

24 (a) Notwithstanding any other provision of this Act,

1 pasteurized donated human breast milk, which may include human
2 milk fortifiers if indicated by a prescribing licensed medical
3 practitioner, shall be covered under an individual or group
4 health insurance for persons who are otherwise eligible for
5 coverage under this Act if the covered person is an infant
6 under the age of 6 months, a licensed medical practitioner
7 prescribes the milk for the covered person, and all of the
8 following conditions are met:

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 is licensed by the
12 Department of Public Health;

13 (2) the infant's mother is medically or physically
14 unable to produce maternal breast milk or produce maternal
15 breast milk in sufficient quantities to meet the infant's
16 needs or the maternal breast milk is contraindicated;

17 (3) the milk has been determined to be medically
18 necessary for the infant; and

19 (4) one or more of the following applies:

20 (A) the infant's birth weight is below 1,500 grams;

21 (B) the infant has a congenital or acquired
22 condition that places the infant at a high risk for
23 development of necrotizing enterocolitis;

24 (C) the infant has infant hypoglycemia;

25 (D) the infant has congenital heart disease;

26 (E) the infant has had or will have an organ

1 transplant;

2 (F) the infant has sepsis; or

3 (G) the infant has any other serious congenital or
4 acquired condition for which the use of donated human
5 breast milk is medically necessary and supports the
6 treatment and recovery of the infant.

7 (b) Notwithstanding any other provision of this Act,
8 pasteurized donated human breast milk, which may include human
9 milk fortifiers if indicated by a prescribing licensed medical
10 practitioner, shall be covered under an individual or group
11 health insurance for persons who are otherwise eligible for
12 coverage under this Act if the covered person is a child 6
13 months through 12 months of age, a licensed medical
14 practitioner prescribes the milk for the covered person, and
15 all of the following conditions are met:

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

20 (2) the child's mother is medically or physically
21 unable to produce maternal breast milk or produce maternal
22 breast milk in sufficient quantities to meet the child's
23 needs or the maternal breast milk is contraindicated;

24 (3) the milk has been determined to be medically
25 necessary for the child; and

26 (4) one or more of the following applies:

- 1 (A) the child has spinal muscular atrophy;
2 (B) the child's birth weight was below 1,500 grams
3 and he or she has long-term feeding or gastrointestinal
4 complications related to prematurity;
5 (C) the child has had or will have an organ
6 transplant; or
7 (D) the child has a congenital or acquired
8 condition for which the use of donated human breast
9 milk is medically necessary and supports the treatment
10 and recovery of the child.

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

13 (305 ILCS 5/5-40 new)

14 Sec. 5-40. Human breast milk coverage.

15 (a) Notwithstanding any other provision of this Act,
16 pasteurized donated human breast milk, which may include human
17 milk fortifiers if indicated by a prescribing licensed medical
18 practitioner, shall be covered under a health plan for persons
19 who are otherwise eligible for coverage under this Act if the
20 covered person is an infant under the age of 6 months, a
21 licensed medical practitioner prescribes the milk for the
22 covered person, and all of the following conditions are met:

23 (1) the milk is obtained from a human milk bank that
24 meets quality guidelines established by the Human Milk

1 Banking Association of North America or is licensed by the
2 Department of Public Health;

3 (2) the infant's mother is medically or physically
4 unable to produce maternal breast milk or produce maternal
5 breast milk in sufficient quantities to meet the infant's
6 needs or the maternal breast milk is contraindicated;

7 (3) the milk has been determined to be medically
8 necessary for the infant; and

9 (4) one or more of the following applies:

10 (A) the infant's birth weight is below 1,500 grams;

11 (B) the infant has a congenital or acquired
12 condition that places the infant at a high risk for
13 development of necrotizing enterocolitis;

14 (C) the infant has infant hypoglycemia;

15 (D) the infant has congenital heart disease;

16 (E) the infant has had or will have an organ
17 transplant;

18 (F) the infant has sepsis; or

19 (G) the infant has any other serious congenital or
20 acquired condition for which the use of donated human
21 breast milk is medically necessary and supports the
22 treatment and recovery of the infant.

23 (b) Notwithstanding any other provision of this Act,
24 pasteurized donated human breast milk, which may include human
25 milk fortifiers if indicated by a prescribing licensed medical
26 practitioner, shall be covered under a health plan for persons

1 who are otherwise eligible for coverage under this Act if the
2 covered person is a child 6 months through 12 months of age, a
3 licensed medical practitioner prescribes the milk for the
4 covered person, and all of the following conditions are met:

5 (1) the milk is obtained from a human milk bank that
6 meets quality guidelines established by the Human Milk
7 Banking Association of North America or is licensed by the
8 Department of Public Health;

9 (2) the child's mother is medically or physically
10 unable to produce maternal breast milk or produce maternal
11 breast milk in sufficient quantities to meet the child's
12 needs or the maternal breast milk is contraindicated;

13 (3) the milk has been determined to be medically
14 necessary for the child; and

15 (4) one or more of the following applies:

16 (A) the child has spinal muscular atrophy;

17 (B) the child's birth weight was below 1,500 grams
18 and he or she has long-term feeding or gastrointestinal
19 complications related to prematurity;

20 (C) the child has had or will have an organ
21 transplant; or

22 (D) the child has a congenital or acquired
23 condition for which the use of donated human breast
24 milk is medically necessary and supports the treatment
25 and recovery of the child.

26 (c) Notwithstanding any other provision of this Act,

1 pasteurized donated human breast milk, which may include human
2 milk fortifiers if indicated by a prescribing licensed medical
3 practitioner, shall be covered under a health plan for persons
4 who are otherwise eligible for coverage under this Act if the
5 covered person is a child 12 months of age or older, a licensed
6 medical practitioner prescribes the milk for the covered
7 person, and all of the following conditions are met:

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

12 (2) the child's mother is medically or physically
13 unable to produce maternal breast milk or produce maternal
14 breast milk in sufficient quantities to meet the child's
15 needs or the maternal breast milk is contraindicated;

16 (3) the milk has been determined to be medically
17 necessary for the child; and

18 (4) the child has spinal muscular atrophy.

19 Section 99. Effective date. This Act takes effect January
20 1, 2020.