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HOUSE BILL 156

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Deborah A. Armstrong

AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE PUBLIC ASSISTANCE ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO REQUIRE COVERAGE FOR DONOR HUMAN MILK FOR AT-RISK INFANTS IN HOSPITAL SETTINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"[NEW MATERIAL] DONOR HUMAN MILK COVERAGE--HOSPITAL SETTING.--

A. A group health plan shall provide coverage for donor human milk to any at-risk newborn enrollee while the at-risk newborn enrollee is in a hospital setting.

B. As used in this section:

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1 (1) "at-risk newborn enrollee" means a child  
2 who:

3 (a) is enrolled in a group health plan  
4 pursuant to the Health Care Purchasing Act;

5 (b) has not been discharged from a  
6 hospital setting since birth; and

7 (c) fits one of the following high-risk  
8 criteria: 1) was born before the completion of thirty-four  
9 weeks of gestation; 2) weighed less than one thousand five  
10 hundred grams at birth; or 3) was born with a congenital heart  
11 or gastrointestinal abnormality;

12 (2) "donor human milk" means human milk  
13 provided to a child by a woman who is not the child's  
14 biological mother that is collected, pasteurized, stored and  
15 distributed in accordance with guidelines established by the  
16 human milk banking association of North America; and

17 (3) "hospital setting" means a health facility  
18 that is licensed by the department of health pursuant to the  
19 Public Health Act as a hospital or a freestanding birth  
20 center."

21 SECTION 2. A new section of the Public Assistance Act is  
22 enacted to read:

23 "[NEW MATERIAL] DONOR HUMAN MILK COVERAGE--HOSPITAL  
24 SETTING.--

25 A. The department shall ensure that any medical

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1 assistance program provides coverage for donor human milk to  
2 any at-risk newborn recipient while the at-risk newborn  
3 recipient is in a hospital setting.

4 B. As used in this section:

5 (1) "at-risk newborn recipient" means a child  
6 who:

7 (a) is enrolled in a medical assistance  
8 program;

9 (b) has not been discharged from a  
10 hospital setting since birth; and

11 (c) fits one of the following high-risk  
12 criteria: 1) was born before the completion of thirty-four  
13 weeks of gestation; 2) weighed less than one thousand five  
14 hundred grams at birth; or 3) was born with a congenital heart  
15 or gastrointestinal abnormality;

16 (2) "donor human milk" means human milk  
17 provided to a child by a woman who is not the child's  
18 biological mother that is collected, pasteurized, stored and  
19 distributed in accordance with guidelines established by the  
20 human milk banking association of North America; and

21 (3) "hospital setting" means a health facility  
22 that is licensed by the department of health pursuant to the  
23 Public Health Act as a hospital or a freestanding birth  
24 center."

25 SECTION 3. A new section of Chapter 59A, Article 22 NMSA

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1 1978 is enacted to read:

2 "[NEW MATERIAL] DONOR HUMAN MILK COVERAGE--HOSPITAL  
3 SETTING.--

4 A. An individual health insurance policy, health  
5 care plan or certificate of health insurance that is delivered,  
6 issued for delivery or renewed in this state shall provide  
7 coverage for donor human milk to any at-risk newborn insured  
8 while the at-risk newborn insured is in a hospital setting.

9 B. As used in this section:

10 (1) "at-risk newborn insured" means a child  
11 who:

12 (a) is enrolled in coverage pursuant to  
13 an individual health insurance policy, health care plan or  
14 certificate of health insurance that is delivered, issued for  
15 delivery or renewed in this state;

16 (b) has not been discharged from a  
17 hospital setting since birth; and

18 (c) fits one of the following high-risk  
19 criteria: 1) was born before the completion of thirty-four  
20 weeks of gestation; 2) weighed less than one thousand five  
21 hundred grams at birth; or 3) was born with a congenital heart  
22 or gastrointestinal abnormality;

23 (2) "donor human milk" means human milk  
24 provided to a child by a woman who is not the child's  
25 biological mother that is collected, pasteurized, stored and

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1 distributed in accordance with guidelines established by the  
2 human milk banking association of North America; and

3 (3) "hospital setting" means a health facility  
4 that is licensed by the department of health pursuant to the  
5 Public Health Act as a hospital or a freestanding birth  
6 center."

7 SECTION 4. A new section of Chapter 59A, Article 23 NMSA  
8 1978 is enacted to read:

9 "[NEW MATERIAL] DONOR HUMAN MILK COVERAGE--HOSPITAL  
10 SETTING.--

11 A. A group or blanket health insurance policy,  
12 health care plan or certificate of health insurance that is  
13 delivered, issued for delivery or renewed in this state shall  
14 provide coverage for donor human milk to any at-risk newborn  
15 insured while the at-risk newborn insured is in a hospital  
16 setting.

17 B. As used in this section:

18 (1) "at-risk newborn insured" means a child  
19 who:

20 (a) is enrolled in coverage pursuant to  
21 a group or blanket health insurance policy, health care plan or  
22 certificate of health insurance that is delivered, issued for  
23 delivery or renewed in this state;

24 (b) has not been discharged from a  
25 hospital setting since birth; and

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1 (c) fits one of the following high-risk  
2 criteria: 1) was born before the completion of thirty-four  
3 weeks of gestation; 2) weighed less than one thousand five  
4 hundred grams at birth; or 3) was born with a congenital heart  
5 or gastrointestinal abnormality;

6 (2) "donor human milk" means human milk  
7 provided to a child by a woman who is not the child's  
8 biological mother that is collected, pasteurized, stored and  
9 distributed in accordance with guidelines established by the  
10 human milk banking association of North America; and

11 (3) "hospital setting" means a health facility  
12 that is licensed by the department of health pursuant to the  
13 Public Health Act as a hospital or a freestanding birth  
14 center."

15 SECTION 5. A new section of the Health Maintenance  
16 Organization Law is enacted to read:

17 "[NEW MATERIAL] DONOR HUMAN MILK COVERAGE--HOSPITAL  
18 SETTING.--

19 A. An individual or group health maintenance  
20 organization contract that is delivered, issued for delivery or  
21 renewed in this state shall provide coverage for donor human  
22 milk to any at-risk newborn enrollee while the at-risk newborn  
23 enrollee is in a hospital setting.

24 B. As used in this section:

25 (1) "at-risk newborn enrollee" means a child

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1 who:

2 (a) is enrolled in coverage pursuant to  
3 a health maintenance organization contract that is delivered,  
4 issued for delivery or renewed in this state;

5 (b) has not been discharged from a  
6 hospital setting since birth; and

7 (c) fits one of the following high-risk  
8 criteria: 1) was born before the completion of thirty-four  
9 weeks of gestation; 2) weighed less than one thousand five  
10 hundred grams at birth; or 3) was born with a congenital heart  
11 or gastrointestinal abnormality;

12 (2) "donor human milk" means human milk  
13 provided to a child by a woman who is not the child's  
14 biological mother that is collected, pasteurized, stored and  
15 distributed in accordance with guidelines established by the  
16 human milk banking association of North America; and

17 (3) "hospital setting" means a health facility  
18 that is licensed by the department of health pursuant to the  
19 Public Health Act as a hospital or a freestanding birth  
20 center."

21 SECTION 6. A new section of the Nonprofit Health Care  
22 Plan Law is enacted to read:

23 "[NEW MATERIAL] DONOR HUMAN MILK COVERAGE--HOSPITAL  
24 SETTING.--

25 A. A health care plan that is delivered, issued for

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1 delivery or renewed in this state shall provide coverage for  
2 donor human milk to any at-risk newborn subscriber while the  
3 at-risk newborn subscriber is in a hospital setting.

4 B. As used in this section:

5 (1) "at-risk newborn subscriber" means a child  
6 who:

7 (a) is enrolled in a health care plan  
8 that is delivered, issued for delivery or renewed in this  
9 state;

10 (b) has not been discharged from a  
11 hospital setting since birth; and

12 (c) fits one of the following high-risk  
13 criteria: 1) was born before the completion of thirty-four  
14 weeks of gestation; 2) weighed less than one thousand five  
15 hundred grams at birth; or 3) was born with a congenital heart  
16 or gastrointestinal abnormality;

17 (2) "donor human milk" means human milk  
18 provided to a child by a woman who is not the child's  
19 biological mother that is collected, pasteurized, stored and  
20 distributed in accordance with guidelines established by the  
21 human milk banking association of North America; and

22 (3) "hospital setting" means a health facility  
23 that is licensed by the department of health pursuant to the  
24 Public Health Act as a hospital or a freestanding birth  
25 center."