

House Bill 3038

Sponsored by Representative HIEB; Representatives LEVY B, MORGAN, Senators FREDERICK, THATCHER (at the request of Zavion Phillips) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires health benefit plan coverage of donated human breast milk for infant if prescribed by licensed medical professional.

A BILL FOR AN ACT

1
2 Relating to donated human breast milk.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of the Insurance Code.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **“Health benefit plan” has the meaning given that term in ORS 743B.005.**

7 (b) **“Infant” means a child who:**

8 (A) **Is 12 months of age or younger; or**

9 (B) **Was born prematurely and would be 12 months of age or younger if born on the**
10 **child’s due date.**

11 (2) **An individual or group health benefit plan issued in this state that reimburses the**
12 **cost of postnatal care shall reimburse the cost of donated human breast milk, which may**
13 **include human milk fortifiers, for a child enrolled in the health benefit plan if:**

14 (a) **The human breast milk or fortifiers are prescribed for the child by a licensed medical**
15 **professional who determines that the donated human breast milk or fortifiers are medically**
16 **necessary for the child;**

17 (b) **The milk is obtained from a human breast milk bank that meets quality standards**
18 **established by the Oregon Health Authority or by the Human Milk Banking Association of**
19 **North America or its successor organization;**

20 (c) **The child’s mother is unable to produce maternal breast milk in sufficient quantities**
21 **to meet the child’s needs, or the mother’s breast milk is contraindicated; and**

22 (d) **The child is an infant and:**

23 (A) **The infant’s birth weight was below 2,300 grams; or**

24 (B) **The infant’s weight is in the 10th percentile on the applicable growth chart.**

25 (3) **This section is exempt from ORS 743A.001.**

26 **SECTION 3. Section 2 of this 2023 Act applies to policies or certificates of insurance is-**
27 **sued, renewed or extended on or after the effective date of this 2023 Act.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.