

HOUSE No. 3805

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel R. Carey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to hospital grade breast pumps.

PETITION OF:

NAME:

Daniel R. Carey

DISTRICT/ADDRESS:

2nd Hampshire

HOUSE No. 3805

By Mr. Carey of Easthampton, a petition (accompanied by bill, House, No. 3805) of Daniel R. Carey relative to insurance coverage for hospital grade breast pumps. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to hospital grade breast pumps.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 32A of the General Laws is hereby amended by adding the
2 following section:-

3 Section 29. (a) As used in this section, “hospital grade breast pump” shall mean a breast
4 pump that is: (i) capable of initiating and supporting milk supply; (ii) able to be used by multiple
5 users safely and hygienically; (iii) durable enough to be used by a mother who is expressing 8
6 times per day or more; (iv) is made for heavy usage with a long motor life; (v) operating using a
7 closed system; (vi) is capable of suction power from 0 to 300 mmHg; and (vii) has a multiphase
8 system or the ability to customize for each mother.

9 (b) The commission shall provide to any active or retired employee of the commonwealth
10 who is insured under the group insurance commission coverage for the cost of the rental and
11 usage of a hospital grade breast pump by the mother of a newborn infant who is receiving care at

12 an intensive care or special care nursery until such time as the infant is discharged or until the
13 mother is no longer pumping breastmilk.

14 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after
15 section 10L the following section:-

16 Section 10M. (a) As used in this section, “hospital grade breast pump” shall mean a
17 breast pump that is: (i) capable of initiating and supporting milk supply; (ii) able to be used by
18 multiple users safely and hygienically; (iii) durable enough to be used by a mother who is
19 expressing 8 times per day or more; (iv) is made for heavy usage with a long motor life; (v)
20 operating using a closed system; (vi) is capable of suction power from 0 to 300 mmHg; and (vii)
21 has a multiphase system or the ability to customize for each mother.

22 (b) The division and its contracted health insurers, health plans, health maintenance
23 organizations, behavioral health management firms and third-party administrators under contract
24 to a Medicaid managed care organization or primary care clinician plan shall provide coverage
25 for the cost of the rental and usage of a hospital grade breast pump by the mother of a newborn
26 infant who is receiving care at an intensive care or special care nursery until such time as the
27 infant is discharged or until the mother is no longer pumping breastmilk.

28 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after
29 section 47KK the following section:-

30 Section 47LL. (a) As used in this section, “hospital grade breast pump” shall mean a
31 breast pump that is: (i) capable of initiating and supporting milk supply; (ii) able to be used by
32 multiple users safely and hygienically; (iii) durable enough to be used by a mother who is
33 expressing 8 times per day or more; (iv) is made for heavy usage with a long motor life; (v)

34 operating using a closed system; (vi) is capable of suction power from 0 to 300 mmHg; and (vii)
35 has a multiphase system or the ability to customize for each mother.

36 (b) Any policy, contract, agreement, plan or certificate of insurance issued, delivered or
37 renewed within the commonwealth, which is considered creditable coverage under section 1 of
38 chapter 111M, shall provide coverage for the cost of the rental and usage of a hospital grade
39 breast pump by the mother of a newborn infant who is receiving care at an intensive care or
40 special care nursery until such time as the infant is discharged or until the mother is no longer
41 pumping breastmilk.

42 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after
43 section 8MM the following section:-

44 Section 8NN. (a) As used in this section, “hospital grade breast pump” shall mean a
45 breast pump that is: (i) capable of initiating and supporting milk supply; (ii) able to be used by
46 multiple users safely and hygienically; (iii) durable enough to be used by a mother who is
47 expressing 8 times per day or more; (iv) is made for heavy usage with a long motor life; (v)
48 operating using a closed system; (vi) is capable of suction power from 0 to 300 mmHg; and (vii)
49 has a multiphase system or the ability to customize for each mother.

50 (b) Any contract between a subscriber and the corporation under an individual or group
51 hospital service plan that is delivered, issued or renewed within the commonwealth shall provide
52 coverage for the cost of the rental and usage of a hospital grade breast pump by the mother of a
53 newborn infant who is receiving care at an intensive care or special care nursery until such time
54 as the infant is discharged or until the mother is no longer pumping breastmilk.

55 SECTION 5. Chapter 176B of the General laws is hereby amended by inserting after
56 section 4MM the following section:-

57 Section 4NN. (a) As used in this section, “hospital grade breast pump” shall mean a
58 breast pump that is: (i) capable of initiating and supporting milk supply; (ii) able to be used by
59 multiple users safely and hygienically; (iii) durable enough to be used by a mother who is
60 expressing 8 times per day or more; (iv) is made for heavy usage with a long motor life; (v)
61 operating using a closed system; (vi) is capable of suction power from 0 to 300 mmHg; and (vii)
62 has a multiphase system or the ability to customize for each mother.

63 (b) Any subscription certificate under an individual or group medical service agreement
64 delivered, issued or renewed within the commonwealth shall provide coverage for the cost of the
65 rental and usage of a hospital grade breast pump by the mother of a newborn infant who is
66 receiving care at an intensive care or special care nursery until such time as the infant is
67 discharged or until the mother is no longer pumping breastmilk.

68 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after
69 section 4EE the following section:-

70 Section 4FF. (a) As used in this section, “hospital grade breast pump” shall mean a
71 breast pump that is: (i) capable of initiating and supporting milk supply; (ii) able to be used by
72 multiple users safely and hygienically; (iii) durable enough to be used by a mother who is
73 expressing 8 times per day or more; (iv) is made for heavy usage with a long motor life; (v)
74 operating using a closed system; (vi) is capable of suction power from 0 to 300 mmHg; and (vii)
75 has a multiphase system or the ability to customize for each mother.

76 (b) An individual or group health maintenance contract that is issued or renewed shall
77 provide coverage for the cost of the rental and usage of a hospital grade breast pump by the
78 mother of a newborn infant who is receiving care at an intensive care or special care nursery
79 until such time as the infant is discharged or until the mother is no longer pumping breastmilk.