

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE  
5 BILL NO. 469

By: Hicks, Garvin, Stanley,  
6 David, Kirt, and **Floyd** of  
7 the Senate

and

8 Bush, Miller, **Waldron**, and  
**Lepak** of the House

9  
10  
11 [ Medicaid - requiring coverage of medically  
12 necessary pasteurized donor human milk under  
13 certain conditions - effective date -  
14 emergency ]

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17 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 5026.1 of Title 63, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. The Oklahoma Health Care Authority, to the extent  
22 permissible under federal law, shall provide Medicaid coverage for  
23 medically necessary pasteurized donor human milk in a home setting;  
24 provided:

1           1. A physician, physician assistant or Advanced Practice  
2 Registered Nurse licensed in this state signs an order stating that  
3 such milk is medically necessary for an infant Medicaid beneficiary;

4           2.    a.    The infant is medically or physically unable to  
5                    receive maternal breast milk or participate in  
6                    breastfeeding, or

7                    b.    The infant's mother is medically or physically unable  
8                    to produce maternal breast milk in sufficient  
9                    quantities; and

10          3.    Such milk is provided by a donor human milk bank that  
11 adheres to quality standards of and is accredited by the Human Milk  
12 Banking Association of North America or such other standards or  
13 accreditation as may be required by the Authority.

14          B.    The Oklahoma Health Care Authority Board shall promulgate  
15 rules to implement the provisions of this section including, but not  
16 limited to, establishing infant birth weight and health conditions  
17 that may make the provision of pasteurized donor human milk  
18 medically necessary and time limits for Medicaid coverage of  
19 pasteurized donor human milk. The Board may adopt a policy or  
20 procedure to implement the provisions of this section while in the  
21 process of promulgating rules; provided, such policy or procedure is  
22 posted on the Internet website of the Authority prior to adoption of  
23 the policy.

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1 C. The Authority shall seek any federal approval necessary to  
2 implement this section.

3 SECTION 2. This act shall become effective July 1, 2021.

4 SECTION 3. It being immediately necessary for the preservation  
5 of the public peace, health or safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

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9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
10 04/21/2022 - DO PASS, As Amended and Coauthored.

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