

State of  
Washington  
House of  
Representatives



May 28, 2015

John Wiesman, Secretary  
Washington State Department of Health  
P.O. Box 47890  
Olympia, Washington 98504-7890

Dear Secretary Wiesman,

I am requesting that the Department of Health consider a sunrise review application for a proposal that would require coverage of human donor milk. Under the attached proposal, health carriers and Medicaid would be required to offer benefits or coverage for medically necessary human donor milk if: (1) the covered person is an infant under the age of 11 months; (2) a licensed provider orders the milk for the covered person; (3) the covered person's parent or legal guardian signs an informed consent form; and (4) the milk is obtained from a milk bank that meets minimum standards adopted by the Department.

A copy of the proposal is attached. I appreciate your consideration of this application, and I look forward to receiving your report. Please contact my office if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Eileen Cody".

EILEEN CODY, Chair  
House Health Care and Wellness Committee

Cc: Martin Mueller, Washington State Department of Health  
Kara Preas  
Alexa Silver, Office of Program Research

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-2810.1/15

ATTY/TYPIST: AA:akl

BRIEF DESCRIPTION: Requiring coverage of banked human milk.

1 AN ACT Relating to requiring coverage of banked human milk;  
2 adding a new section to chapter 48.43 RCW; adding a new section to  
3 chapter 41.05 RCW; and adding a new section to chapter 74.09 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43  
6 RCW to read as follows:

7 (1) Each health benefit plan issued or renewed after December 31,  
8 2016, must offer benefits or coverage for medically necessary banked  
9 human milk if:

10 (a) The covered person is an infant under the age of eleven  
11 months;

12 (b) A licensed health care provider with prescriptive authority  
13 orders the milk for the covered person;

14 (c) The parent or legal guardian of the covered person signs and  
15 dates an informed consent form indicating that he or she understands  
16 the risks and benefits of using banked human milk; and

17 (d) The milk is obtained from a milk bank that meets minimum  
18 standards adopted by the department of health under subsection (3) of  
19 this section.

1 (2) Nothing in this section prohibits a health benefit plan from  
2 requiring prior authorization or imposing other appropriate  
3 utilization controls in approving coverage for banked human milk.

4 (3) The department of health shall adopt minimum standards for  
5 ensuring milk bank safety. The standards adopted by the department  
6 must be consistent with evidence-based guidelines established by a  
7 national accrediting organization and must address donor screening,  
8 milk handling and processing, and recordkeeping.

9 (4) For purposes of this section:

10 (a) "Banked human milk" means human breastmilk that has been  
11 contributed to a milk bank by one or more donors.

12 (b) "Milk bank" means a firm or corporation that engages in the  
13 not-for-profit procurement, processing, storage, distribution, or use  
14 of human breastmilk contributed by donors.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05  
16 RCW to read as follows:

17 (1) Each health benefit plan offered to public employees and  
18 their covered dependents under this chapter that is not subject to  
19 chapter 48.43 RCW and that is issued or renewed after December 31,  
20 2016, must offer benefits or coverage for medically necessary banked  
21 human milk if:

22 (a) The covered person is an infant under the age of eleven  
23 months;

24 (b) A licensed health care provider with prescriptive authority  
25 orders the milk for the covered person;

26 (c) The parent or legal guardian of the covered person signs and  
27 dates an informed consent form indicating that he or she understands  
28 the risks and benefits of using banked human milk; and

29 (d) The milk is obtained from a milk bank that meets minimum  
30 standards adopted by the department of health under subsection (3) of  
31 this section.

32 (2) Nothing in this section prohibits a health benefit plan from  
33 requiring prior authorization or imposing other appropriate  
34 utilization controls in approving coverage for banked human milk.

35 (3) The department of health shall adopt minimum standards for  
36 ensuring milk bank safety. The standards adopted by the department  
37 must be consistent with evidence-based guidelines established by a  
38 national accrediting organization and must address donor screening,  
39 milk handling and processing, and recordkeeping.

1 (4) For purposes of this section:

2 (a) "Banked human milk" means human breastmilk that has been  
3 contributed to a milk bank by one or more donors.

4 (b) "Milk bank" means a firm or corporation that engages in the  
5 not-for-profit procurement, processing, storage, distribution, or use  
6 of human breastmilk contributed by donors.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.09  
8 RCW to read as follows:

9 (1) The authority shall require coverage under this chapter for  
10 medically necessary banked human milk if:

11 (a) The client is an infant under the age of eleven months;

12 (b) A licensed health care provider with prescriptive authority  
13 orders the milk for the client;

14 (c) The parent or legal guardian of the client signs and dates an  
15 informed consent form indicating that he or she understands the risks  
16 and benefits of using banked human milk; and

17 (d) The milk is obtained from a milk bank that meets minimum  
18 standards adopted by the department of health under subsection (3) of  
19 this section.

20 (2) Nothing in this section prohibits requiring prior  
21 authorization or imposing other appropriate utilization controls in  
22 approving coverage for banked human milk.

23 (3) The department of health shall adopt minimum standards for  
24 ensuring milk bank safety. The standards adopted by the department  
25 must be consistent with evidence-based guidelines established by a  
26 national accrediting organization and must address donor screening,  
27 milk handling and processing, and recordkeeping.

28 (4) For purposes of this section:

29 (a) "Banked human milk" means human breastmilk that has been  
30 contributed to a milk bank by one or more donors.

31 (b) "Milk bank" means a firm or corporation that engages in the  
32 not-for-profit procurement, processing, storage, distribution, or use  
33 of human breastmilk contributed by donors.

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