

House Bill 825

By: Representatives Cooper of the 43rd, Dempsey of the 13th, Parrish of the 158th, Stephens of the 164th, and Smith of the 70th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated,
2 relating to medical assistance generally, so as to provide for Medicaid coverage for medically
3 necessary donor human milk; to provide for submittal of a state plan amendment or waiver
4 request, if necessary; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
9 medical assistance generally, is amended by adding a new Code section to read as follows:

10 "49-4-159.1.

11 (a) The department shall provide Medicaid coverage for donor human milk prescribed for
12 an infant, separate from the hospital payment for inpatient services, when:

13 (1) Ordered as medically necessary by a physician or physician assistant licensed to
14 practice in Georgia;

15 (2) The infant is younger than six months of age;

16 (3) The infant is medically or physically unable to receive maternal breast milk or
17 participate in breastfeeding; and

18 (4) The infant's caregiver is medically or physically unable to produce breast milk at all
19 or in sufficient quantities, is unable to participate in breastfeeding despite optimal
20 lactation support, or has a contraindication to breastfeeding.

21 (b) If necessary to implement the provisions of this Code section, the department shall
22 submit a Medicaid state plan amendment or waiver request, as soon as is practicable, to the
23 United States Department of Health and Human Services."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.