

SENATE BILL No. 439

By Committee on Public Health and Welfare

2-14

1 AN ACT concerning health and healthcare; relating to human milk and
2 human milk-derived products; providing medical assistance
3 reimbursement for human milk fortifier; imposing certain requirements
4 on human milk and human milk banks; amending K.S.A. 2019 Supp.
5 39-7,121g and repealing the existing section.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2019 Supp. 39-7,121g is hereby amended to read as
9 follows: 39-7,121g. (a) The department of health and environment shall
10 reimburse a medical care facility for prescribed medically necessary donor
11 human breast milk *and human milk fortifier derived from human breast*
12 *milk* provided to a recipient of medical assistance under the Kansas
13 program of medical assistance if:

14 (1) Such recipient is:

15 (A) An infant under the age of three months;

16 (B) critically ill; and

17 (C) in the neonatal intensive care unit of ~~the hospital~~ *a medical care*
18 *facility*;

19 (2) a person licensed to practice medicine and surgery orders the
20 donor human breast milk for the recipient;

21 (3) the department determines that the donor human breast milk is
22 medically necessary for the recipient;

23 (4) the parent or legal guardian of the recipient signs and dates an
24 informed consent form indicating the risks and benefits of using banked
25 donor human breast milk; and

26 (5) the donor human breast milk is obtained from a donor human
27 breast milk bank that meets the quality requirements established by the
28 department of health and environment.

29 (b) An electronic prior authorization system that uses the best medical
30 evidence and care and treatment guidelines consistent with national
31 standards shall be used by the department to determine medical necessity.

32 (c) (1) *The department shall license and regulate the operation of*
33 *milk banks that collect, sell, distribute or donate human breast milk or*
34 *human breast milk-derived products.*

35 (2) *Human breast milk and human breast milk-derived products shall*
36 *not be sold, distributed, processed or donated unless such milk or product*

1 *has been tested for adulterants and drugs, including, but not limited to,*
2 *amphetamines, benzodiazepines, cocaine, methamphetamines, nicotine,*
3 *opiates or their metabolites, as required by the department. The*
4 *department, at any time, may add additional adulterant and drug testing*
5 *requirements.*

6 (d) The department shall promulgate rules and regulations necessary
7 to implement the provisions of this section ~~prior to July 1, 2016.~~

8 ~~(d)~~(e) The department shall implement and administer the provisions
9 of this section in a manner consistent with applicable federal laws and
10 regulations. The department shall seek any necessary approvals of the
11 federal government that are required for the implementation of this
12 section.

13 ~~(e)~~(f) As used in this section:

14 (1) "Department" means the department of health and environment.

15 (2) "Medical care facility" ~~shall mean~~ means the same as *defined* in
16 K.S.A. 65-425, and amendments thereto.

17 Sec. 2. K.S.A. 2019 Supp. 39-7,121g is hereby repealed.

18 Sec. 3. This act shall take effect and be in force from and after its
19 publication in the statute book.