

Insurance and Real Estate Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5369

AN ACT CONCERNING DONOR BREAST MILK AND HUMAN MILK

Title: PRODUCTS DERIVED FROM DONOR BREAST MILK.

Vote Date: 3/10/2020

Vote Action: Joint Favorable Substitute

PH Date: 3/3/2020

File No.:

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SPONSORS OF BILL:

Rep. Michael A. DiMassa, 116th Dist.

REASONS FOR BILL:

Raised bill 5369

The bill was drafted to tackle the problem of insuring and regulating donor breast milk and donor milk-based products that would be used to save the lives of many infants in Connecticut.

Proposed substitute 5369

The bill does the same as above with section 1 and section 2 being amended to be more specific in their definitions on who and what is covered.

RESPONSE FROM ADMINISTRATION/AGENCY:

Connecticut Department of Public Health expresses concern on the bill as section two of the bill as worded would require them to create a new program that would process, distribute and regulate the new human breast and donor milk. They argue this would require a significant reallocation of funds and staff if it were to be enacted. They state the current donor breast milk supply chain in Connecticut is safe and effective as the Human Milk Banking Association of North America (HMBANA certifies all milk banks.

Connecticut Department of Social Services comments that it takes no stance on sections 1 and 2 and opposes section 3 while stating it supports breast feeding for all newborns. Section does not apply to Medicaid. Section 2 is differed to the Department of Health for comment. Sate statue 17b-277c the Connecticut General Statutes States Medicaid covers pasteurized breast milk under certain circumstances. They argue that section 3 changes these statues by broadening the coverage without there being clinical evidence that there are health benefits for the infants. It removes Medicaid's ability to review practitioners' recommendations on if the service is medically necessary and they would result in significant costs if they were to be enacted.

Dr. Katherine Tucker, West Haven, CT supports the bill and calls for there to be further oversight on the donation of human milk to help reduce neonatal mortality.

NATURE AND SOURCES OF SUPPORT:

Monica Belyea, Chair of Board of Directors of the Connecticut Breastfeeding Coalition supports the bill as it would expand coverage to a wide range of infants who need it but has concerns over the regulations included. They specifically have concerns over the Human Milk Products derived from Donor Breast Milk section as they believe it will drive up costs.

Brett Citarellam, MD supports the bill as human milk is the most important medication that can be provided to premature infants. They argue that this legislation can reduce the cost of allowing the infants that need this and the supplemental treatments afterward.

Al Fuller, PhD, JD, Prolacta Bioscience supports the bills as it would provide insurance coverage for babies that need to also take human milk fortifier but also supports requiring more stringent testing and regulation. They argue that all of the test they conduct are commercially available and should be done to ensure that the milk is one hundred percent safe for human consumption.

Di Master supports the intent of the bill but has concerns about the language and suggests the removal of all reference to human milk products and the commissioner of Public Health establishing a regulatory oversight.

Sarah N.Taylor, MD, MSCR, Associate Professor, Yale University supports the bills as a mother's milk is the best nutrition for preterm infants. They however state that the extensive regulation is not required as all milk must be HMBANA approved and certified before being used. They also recommend to not cover human milk-derived products under insurance due to a lack of proven benefit and its displacing breast milk in the feeding process.

NATURE AND SOURCES OF OPPOSITION:

Naomi Bar-Yam, Executive Director, Mothers' Milk Bank Northeast opposes the bill as it would drive nonprofit milk banking out of Connecticut as it would force hospitals to order from for profit companies at substantially higher costs. They argue that by requiring them to use the new test developed by a for profit company and not just the Human Milk Banking Association of North America Guidelines (HMBANA) their prices would go up.

Connecticut Association Health Plans opposes the bill as they believe it would qualify as a new mandate under the Affordable Care Act.

Stephanie DeMarco, CT opposes the bill as she lost a child but was able to donate her breast milk to a nonprofit and go on to help save lives through her donation. She states if she was forced to only donate through for profits, that she would not have been able to donate over 11 gallons of breast milk to help moms in need.

Jan Ferraro, Director of Education, Acelleron Medical Products opposes the bill as currently written but there is a need for insurance coverage for breast milk as it would help families in need greatly. They also state that people at for profits get paid to donate their milk that is why they would lie about taking drugs and a drug test would be necessary. When people donate milk, they do it out of wanting to save lives.

Dr. Annmarie Golioto, Medical Director Neonatal Intensive Care Unit voices concern over the bill as drafted. They suggest that currently there is no evidence that suggests milk products from for-profit donor milk companies are safer than donor milk and that this bill would simply drive up costs.

Brianna McNally, APRN, IBCLC, Lactation Consultant for Middlesex Hospital and Cliff O'Callahan, MD, PhD, FAAP Director of Nurseries at Middlesex Hospital opposes the regulatory language of section two but is in favor of insurance coverage. They argue that the screening coverage is proprietary meaning that only Prolacta would be able to conduct them and this would drive prices up.

Michelle Rakebrand, Assistant Counsel, Connecticut Business & Industry Association opposes the bills as it believes it would be another healthcare mandate that would drive up costs on small businesses.

Reported by: Lawrence Sanchez

Date: 04/22/2020