

SUBCOMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB469 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Carol Bush

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

PROPOSED
SUBCOMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 469

By: Hicks, Garvin, Stanley,
David and Kirt of the
Senate

and

Bush and Miller of the
House

PROPOSED SUBCOMMITTEE SUBSTITUTE

An Act relating to the state Medicaid program;
requiring coverage of medically necessary pasteurized
donor human milk under certain conditions; directing
promulgation of rules; authorizing adoption of
certain policy or procedure; directing the Authority
to seek certain federal approval; providing for
codification; providing an effective date; and
declaring an emergency.

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

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

A. The Oklahoma Health Care Authority, to the extent
permissible under federal law, shall provide Medicaid coverage for

1 medically necessary pasteurized donor human milk and donor human
2 milk-derived products in a home setting; provided:

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

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

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

12 3. Such milk is provided by a donor human milk bank that meets
13 the quality standards of and is licensed 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, the following:

17 1. Establishing infant birth weight and health conditions that
18 may make the provision of pasteurized donor human milk and donor
19 human milk-derived products medically necessary and time limits for
20 Medicaid coverage of pasteurized donor human milk and donor human
21 milk-derived products; and

22 2. Establishing minimum quality standards and licensing of all
23 human milk banks that collect, process, distribute and sell
24

1 pasteurized donor human milk and donor human milk-derived products
2 in the state.

3 C. The Board may adopt a policy or procedure to implement the
4 provisions of this section while in the process of promulgating
5 rules; provided, such policy or procedure is posted on the Internet
6 website of the Authority prior to adoption of the policy.

7 D. The Authority shall seek any federal approval necessary to
8 implement this section.

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

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

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15 58-1-7961 AB 03/24/21

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