

CHAPTER 343

AN ACT concerning health benefits coverage for breastfeeding support and supplementing various parts of the statutory law.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.17:48-6ss Hospital service corporation to provide coverage for breastfeeding support.

1. a. A hospital service corporation contract that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of P.L.2019, c.343 (C.17:48-6ss et al.), shall provide coverage for comprehensive lactation support, counseling, and consultation, and the costs for renting or purchasing breastfeeding equipment, in conjunction with each birth, for the duration of breastfeeding for health plan enrollees, with no cost-sharing.

b. Coverage of breastfeeding equipment shall include:

(1) Purchase of a single-user breast pump, subject to the following conditions:

(a) A contract shall cover the purchase of a double electric breast pump. If an enrollee requests a manual pump in lieu of the double electric breast pump, the health plan shall cover the purchase of a manual pump.

(b) A double electric breast pump provided pursuant to this paragraph shall be of sufficient power and durability to establish and maintain milk supply for the duration of breastfeeding.

(c) A contract shall not require documentation of medical necessity, prior authorization, or a prescription for a breast pump provided pursuant to this paragraph.

(d) Coverage shall be available at any time during pregnancy and the postpartum period, and shall continue for the duration of breastfeeding as defined by the plan enrollee.

(e) Coverage for breast pumps shall include repair or replacement if necessary.

(2) Rental or purchase of a multi-user breast pump, on the recommendation of a licensed health care provider, subject to the following conditions:

(a) When recommended by a licensed health care provider, a contract shall provide coverage for a multi-user breast pump.

(b) A hospital service corporation may determine whether a rental or purchase is covered.

(c) Coverage for a multi-user breast pump shall be covered without regard to coverage or acquisition of a single-user breast pump.

(d) A hospital service corporation may require a letter of medical necessity from a lactation consultant or other health care provider for coverage of a multi-user pump. The letter shall not interfere with the timely acquisition of a multi-user pump.

(3) Coverage of breastfeeding equipment pursuant to this section shall include two breast pump kits per birth event, as well as appropriate size breast pump flanges, or other lactation accessories recommended by a health care provider.

(4) Breastfeeding equipment specified in paragraphs (1) and (3) of this subsection shall be furnished: within 48 hours of notification of need, if requested after the birth of the child; or by the later of two weeks before the enrollee's expected due date or 72 hours after notification, if requested prior to the birth of the child. If the hospital service corporation cannot ensure an enrollee receives breastfeeding equipment within 48 hours, an enrollee may purchase the equipment and the health plan shall reimburse all out-of-pocket expenses incurred by the enrollee, including any balance billing amounts.

(5) Breastfeeding equipment specified in paragraph (2) of this subsection shall be made available within 12 hours of notification of need. If equipment is not available within 12

hours of notification of need, the hospital service corporation shall reimburse all out-of-pocket rental expenses incurred by an enrollee, including any balance billing amounts, until the enrollee receives breastfeeding equipment.

c. Coverage of comprehensive lactation counseling and lactation consultation shall include:

(1) In-person, one-on-one lactation counseling and lactation consultation, subject to the following conditions:

(a) Coverage shall include visits that occur inside and outside a hospital or office setting. In-person lactation counseling and lactation consultation shall be covered regardless of location of service provision and shall include home visits.

(b) Lactation counseling and lactation consultation shall be made available within 24 hours of notification of need.

(2) Telephonic lactation assistance shall be covered in addition to, and not as a substitute for, in-person, one-on-one lactation counseling or lactation consultation, when an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. The telephonic lactation assistance shall be provided within 12 hours of notification of need.

(3) Group lactation counseling shall be covered in addition to, and not as a substitute for, one-on-one, in-person lactation counseling or lactation consultation, if an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. Group counseling shall include educational classes and support groups.

(4) A contract shall not require prior authorization, prescription or referral for any lactation counseling or lactation consultation, regardless of provider type or setting.

(5) A hospital service corporation shall not impose medical management techniques not described in this section.

d. Except as otherwise authorized pursuant to this section, a hospital service corporation shall not impose restrictions on the coverage provided pursuant to this section, including, but not limited to, limitations on reimbursement to allowable amounts or reasonable and customary charges, documentation requests, or delays on the coverage provided.

e. As used in this section:

“Cost-sharing” means deductible, co-insurance or co-payments, or similar charges.

“Breast pump kit” means a collection of tubing, valves, flanges, collection bottles, or other parts required to extract human milk using a breast pump.

“Lactation consultant” means an individual who is an International Board Certified Lactation Consultant.

“Lactation consultation” means the clinical application by a lactation consultant or other licensed health care provider of scientific principles and a multidisciplinary body of evidence for evaluation, problem identification, treatment, education, and consultation to child-bearing families utilizing lactation care and services.

Lactation care and services shall include, but not be limited to:

(1) lactation assessment through the systematic collection of subjective and objective data;

(2) analysis of data and creation of a plan of care;

(3) implementation of a lactation care plan with demonstration and instruction to parents and communication to the primary health care provider;

(4) evaluation of outcomes;

(5) provision of lactation education to parents and health care providers; and

(6) the recommendation and use of assistive devices.

"Lactation counseling" means breastfeeding education and support services provided by a lactation counselor, such as:

- (1) educating women, families, health care professionals, and the community about the impact of breastfeeding and human lactation on health and what to expect in the normal course of breastfeeding;
- (2) acting as an advocate for breastfeeding as the norm for feeding infants and young children;
- (3) providing breastfeeding support, encouragement, and care from preconception to weaning in order to help women and their families meet their breastfeeding goals;
- (4) using principles of adult education when teaching clients, health care providers, and others in the community; and
- (5) identifying and referring high-risk mothers and babies and those requiring clinical treatment appropriately.

"Lactation counselor" means an individual, other than an International Board Certified Lactation Consultant or a licensed health care provider, who is:

- (1) licensed or certified to practice lactation counseling under any law, or who is an accredited member belonging to another profession or occupation, who provides breastfeeding education and support services for which that person is licensed, regulated, accredited, or certified; or
- (2) a community-based lactation supporter who has received at least 40 hours of specialty education in breastfeeding and lactation, and who works within a lactation counselor's scope of practice.

"Telephonic lactation assistance" means lactation counseling or consultation with a lactation counselor or lactation consultant conducted remotely through live voice communication.

f. This section shall apply to those contracts in which the hospital service corporation has reserved the right to change the premium.

C.17:48A-7pp Medical service corporation to provide coverage for breastfeeding support.

2. a. A medical service corporation contract that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of P.L.2019, c.343 (C.17:48-6ss et al.), shall provide coverage for comprehensive lactation support, counseling, and consultation, and the costs for renting or purchasing breastfeeding equipment, in conjunction with each birth, for the duration of breastfeeding for health plan enrollees, with no cost-sharing.

b. Coverage of breastfeeding equipment shall include:

(1) Purchase of a single-user breast pump, subject to the following conditions:

(a) A contract shall cover the purchase of a double electric breast pump. If an enrollee requests a manual pump in lieu of the double electric breast pump, the health plan shall cover the purchase of a manual pump.

(b) A double electric breast pump provided pursuant to this paragraph shall be of sufficient power and durability to establish and maintain milk supply for the duration of breastfeeding.

(c) A contract shall not require documentation of medical necessity, prior authorization, or a prescription for a breast pump provided pursuant to this paragraph.

(d) Coverage shall be available at any time during pregnancy and the postpartum period, and shall continue for the duration of breastfeeding as defined by the plan enrollee.

(e) Coverage for breast pumps shall include repair or replacement if necessary.

(2) Rental or purchase of a multi-user breast pump, on the recommendation of a licensed health care provider, subject to the following conditions:

(a) When recommended by a licensed health care provider, a contract shall provide coverage for a multi-user breast pump.

(b) A medical service corporation may determine whether a rental or purchase is covered.

(c) Coverage for a multi-user breast pump shall be covered without regard to coverage or acquisition of a single-user breast pump.

(d) A medical service corporation may require a letter of medical necessity from a lactation consultant or other health care provider for coverage of a multi-user pump. The letter shall not interfere with the timely acquisition of a multi-user pump.

(3) Coverage of breastfeeding equipment pursuant to this section shall include two breast pump kits per birth event, as well as appropriate size breast pump flanges, or other lactation accessories recommended by a health care provider.

(4) Breastfeeding equipment specified in paragraphs (1) and (3) of this subsection shall be furnished: within 48 hours of notification of need, if requested after the birth of the child; or by the later of two weeks before the enrollee's expected due date or 72 hours after notification, if requested prior to the birth of the child. If the medical service corporation cannot ensure an enrollee receives breastfeeding equipment within 48 hours, an enrollee may purchase the equipment and the health plan shall reimburse all out-of-pocket expenses incurred by the enrollee, including any balance billing amounts.

(5) Breastfeeding equipment specified in paragraph (2) of this subsection shall be made available within 12 hours of notification of need. If equipment is not available within 12 hours of notification of need, the medical service corporation shall reimburse all out-of-pocket rental expenses incurred by an enrollee, including any balance billing amounts, until the enrollee receives breastfeeding equipment.

c. Coverage of comprehensive lactation counseling and lactation consultation shall include:

(1) In-person, one-on-one lactation counseling and lactation consultation, subject to the following conditions:

(a) Coverage shall include visits that occur inside and outside a hospital or office setting. In-person lactation counseling and lactation consultation shall be covered regardless of location of service provision and shall include home visits.

(b) Lactation counseling and lactation consultation shall be made available within 24 hours of notification of need.

(2) Telephonic lactation assistance shall be covered in addition to, and not as a substitute for, in-person, one-on-one lactation counseling or lactation consultation, when an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. The telephonic lactation assistance shall be provided within 12 hours of notification of need.

(3) Group lactation counseling shall be covered in addition to, and not as a substitute for, one-on-one, in-person lactation counseling or lactation consultation, if an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. Group counseling shall include educational classes and support groups.

(4) A contract shall not require prior authorization, prescription or referral for any lactation counseling or lactation consultation, regardless of provider type or setting.

(5) A medical service corporation shall not impose medical management techniques not described in this section.

d. Except as otherwise authorized pursuant to this section, a medical service corporation shall not impose restrictions on the coverage provided pursuant to this section, including, but not limited to, limitations on reimbursement to allowable amounts or reasonable and customary charges, documentation requests, or delays on the coverage provided.

e. As used in this section:

“Cost-sharing” means deductible, co-insurance or co-payments, or similar charges.

“Breast pump kit” means a collection of tubing, valves, flanges, collection bottles, or other parts required to extract human milk using a breast pump.

“Lactation consultant” means an individual who is an International Board Certified Lactation Consultant.

“Lactation consultation” means the clinical application by a lactation consultant or other licensed health care provider of scientific principles and a multidisciplinary body of evidence for evaluation, problem identification, treatment, education, and consultation to child-bearing families utilizing lactation care and services.

Lactation care and services shall include, but not be limited to:

(1) lactation assessment through the systematic collection of subjective and objective data;

(2) analysis of data and creation of a plan of care;

(3) implementation of a lactation care plan with demonstration and instruction to parents and communication to the primary health care provider;

(4) evaluation of outcomes;

(5) provision of lactation education to parents and health care providers; and

(6) the recommendation and use of assistive devices.

“Lactation counseling” means breastfeeding education and support services provided by a lactation counselor, such as:

(1) educating women, families, health care professionals, and the community about the impact of breastfeeding and human lactation on health and what to expect in the normal course of breastfeeding;

(2) acting as an advocate for breastfeeding as the norm for feeding infants and young children;

(3) providing breastfeeding support, encouragement, and care from preconception to weaning in order to help women and their families meet their breastfeeding goals;

(4) using principles of adult education when teaching clients, health care providers, and others in the community; and

(5) identifying and referring high-risk mothers and babies and those requiring clinical treatment appropriately.

“Lactation counselor” means an individual, other than an International Board Certified Lactation Consultant or a licensed health care provider, who is:

(1) licensed or certified to practice lactation counseling under any law, or who is an accredited member belonging to another profession or occupation, who provides breastfeeding education and support services for which that person is licensed, regulated, accredited, or certified; or

(2) a community-based lactation supporter who has received at least 40 hours of specialty education in breastfeeding and lactation, and who works within a lactation counselor’s scope of practice.

"Telephonic lactation assistance" means lactation counseling or consultation with a lactation counselor or lactation consultant conducted remotely through live voice communication.

f. This section shall apply to those contracts in which the medical service corporation has reserved the right to change the premium.

C.17:48E-35.43 Health service corporation to provide coverage for breastfeeding support.

3. a. A health service corporation contract that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of P.L.2019, c.343 (C.17:48-6ss et al.), shall provide coverage for comprehensive lactation support, counseling, and consultation, and the costs for renting or purchasing breastfeeding equipment, in conjunction with each birth, for the duration of breastfeeding for health plan enrollees, with no cost-sharing.

b. Coverage of breastfeeding equipment shall include:

(1) Purchase of a single-user breast pump, subject to the following conditions:

(a) A contract shall cover the purchase of a double electric breast pump. If an enrollee requests a manual pump in lieu of the double electric breast pump, the health plan shall cover the purchase of a manual pump.

(b) A double electric breast pump provided pursuant to this paragraph shall be of sufficient power and durability to establish and maintain milk supply for the duration of breastfeeding.

(c) A contract shall not require documentation of medical necessity, prior authorization, or a prescription for a breast pump provided pursuant to this paragraph.

(d) Coverage shall be available at any time during pregnancy and the postpartum period, and shall continue for the duration of breastfeeding as defined by the plan enrollee.

(e) Coverage for breast pumps shall include repair or replacement if necessary.

(2) Rental or purchase of a multi-user breast pump, on the recommendation of a licensed health care provider, subject to the following conditions:

(a) When recommended by a licensed health care provider, a contract shall provide coverage for a multi-user breast pump.

(b) A health service corporation may determine whether a rental or purchase is covered.

(c) Coverage for a multi-user breast pump shall be covered without regard to coverage or acquisition of a single-user breast pump.

(d) A health service corporation may require a letter of medical necessity from a lactation consultant or other health care provider for coverage of a multi-user pump. The letter shall not interfere with the timely acquisition of a multi-user pump.

(3) Coverage of breastfeeding equipment pursuant to this section shall include two breast pump kits per birth event, as well as appropriate size breast pump flanges, or other lactation accessories recommended by a health care provider.

(4) Breastfeeding equipment specified in paragraphs (1) and (3) of this subsection shall be furnished: within 48 hours of notification of need, if requested after the birth of the child; or by the later of two weeks before the enrollee's expected due date or 72 hours after notification, if requested prior to the birth of the child. If the health service corporation cannot ensure an enrollee receives breastfeeding equipment within 48 hours, an enrollee may purchase the equipment and the health plan shall reimburse all out-of-pocket expenses incurred by the enrollee, including any balance billing amounts.

(5) Breastfeeding equipment specified in paragraph (2) of this subsection shall be made available within 12 hours of notification of need. If equipment is not available within 12 hours of notification of need, the health service corporation shall reimburse all out-of-pocket rental expenses incurred by an enrollee, including any balance billing amounts, until the enrollee receives breastfeeding equipment.

c. Coverage of comprehensive lactation counseling and lactation consultation shall include:

(1) In-person, one-on-one lactation counseling and lactation consultation, subject to the following conditions:

(a) Coverage shall include visits that occur inside and outside a hospital or office setting. In-person lactation counseling and lactation consultation shall be covered regardless of location of service provision and shall include home visits.

(b) Lactation counseling and lactation consultation shall be made available within 24 hours of notification of need.

(2) Telephonic lactation assistance shall be covered in addition to, and not as a substitute for, in-person, one-on-one lactation counseling or lactation consultation, when an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. The telephonic lactation assistance shall be provided within 12 hours of notification of need.

(3) Group lactation counseling shall be covered in addition to, and not as a substitute for, one-on-one, in-person lactation counseling or lactation consultation, if an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. Group counseling shall include educational classes and support groups.

(4) A contract shall not require prior authorization, prescription or referral for any lactation counseling or lactation consultation, regardless of provider type or setting.

(5) A health service corporation shall not impose medical management techniques not described in this section.

d. Except as otherwise authorized pursuant to this section, a health service corporation shall not impose restrictions on the coverage provided pursuant to this section, including, but not limited to, limitations on reimbursement to allowable amounts or reasonable and customary charges, documentation requests, or delays on the coverage provided.

e. As used in this section:

“Cost-sharing” means deductible, co-insurance or co-payments, or similar charges.

“Breast pump kit” means a collection of tubing, valves, flanges, collection bottles, or other parts required to extract human milk using a breast pump.

“Lactation consultant” means an individual who is an International Board Certified Lactation Consultant.

“Lactation consultation” means the clinical application by a lactation consultant or other licensed health care provider of scientific principles and a multidisciplinary body of evidence for evaluation, problem identification, treatment, education, and consultation to child-bearing families utilizing lactation care and services.

Lactation care and services shall include, but not be limited to:

(1) lactation assessment through the systematic collection of subjective and objective data;

(2) analysis of data and creation of a plan of care;

(3) implementation of a lactation care plan with demonstration and instruction to parents and communication to the primary health care provider;

(4) evaluation of outcomes;

- (5) provision of lactation education to parents and health care providers; and
- (6) the recommendation and use of assistive devices.

"Lactation counseling" means breastfeeding education and support services provided by a lactation counselor, such as:

- (1) educating women, families, health care professionals, and the community about the impact of breastfeeding and human lactation on health and what to expect in the normal course of breastfeeding;
- (2) acting as an advocate for breastfeeding as the norm for feeding infants and young children;
- (3) providing breastfeeding support, encouragement, and care from preconception to weaning in order to help women and their families meet their breastfeeding goals;
- (4) using principles of adult education when teaching clients, health care providers, and others in the community; and
- (5) identifying and referring high-risk mothers and babies and those requiring clinical treatment appropriately.

"Lactation counselor" means an individual, other than an International Board Certified Lactation Consultant or a licensed health care provider, who is:

- (1) licensed or certified to practice lactation counseling under any law, or who is an accredited member belonging to another profession or occupation, who provides breastfeeding education and support services for which that person is licensed, regulated, accredited, or certified; or
- (2) a community-based lactation supporter who has received at least 40 hours of specialty education in breastfeeding and lactation, and who works within a lactation counselor's scope of practice.

"Telephonic lactation assistance" means lactation counseling or consultation with a lactation counselor or lactation consultant conducted remotely through live voice communication.

f. This section shall apply to those contracts in which the health service corporation has reserved the right to change the premium.

C.17B:26-2.11l Individual health insurer to provide coverage for breastfeeding support.

4. a. An individual health insurer policy that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of P.L.2019, c.343 (C.17:48-6ss et al.), shall provide coverage for comprehensive lactation support, counseling, and consultation, and the costs for renting or purchasing breastfeeding equipment, in conjunction with each birth, for the duration of breastfeeding for health plan enrollees, with no cost-sharing.

b. Coverage of breastfeeding equipment shall include:

- (1) Purchase of a single-user breast pump, subject to the following conditions:
 - (a) A policy shall cover the purchase of a double electric breast pump. If an enrollee requests a manual pump in lieu of the double electric breast pump, the health plan shall cover the purchase of a manual pump.
 - (b) A double electric breast pump provided pursuant to this paragraph shall be of sufficient power and durability to establish and maintain milk supply for the duration of breastfeeding.

(c) A policy shall not require documentation of medical necessity, prior authorization, or a prescription for a breast pump provided pursuant to this paragraph.

(d) Coverage shall be available at any time during pregnancy and the postpartum period, and shall continue for the duration of breastfeeding as defined by the plan enrollee.

(e) Coverage for breast pumps shall include repair or replacement if necessary.

(2) Rental or purchase of a multi-user breast pump, on the recommendation of a licensed health care provider, subject to the following conditions:

(a) When recommended by a licensed health care provider, a policy shall provide coverage for a multi-user breast pump.

(b) An individual health insurer may determine whether a rental or purchase is covered.

(c) Coverage for a multi-user breast pump shall be covered without regard to coverage or acquisition of a single-user breast pump.

(d) An individual health insurer may require a letter of medical necessity from a lactation consultant or other health care provider for coverage of a multi-user pump. The letter shall not interfere with the timely acquisition of a multi-user pump.

(3) Coverage of breastfeeding equipment pursuant to this section shall include two breast pump kits per birth event, as well as appropriate size breast pump flanges, or other lactation accessories recommended by a health care provider.

(4) Breastfeeding equipment specified in paragraphs (1) and (3) of this subsection shall be furnished: within 48 hours of notification of need, if requested after the birth of the child; or by the later of two weeks before the enrollee's expected due date or 72 hours after notification, if requested prior to the birth of the child. If the individual health insurer cannot ensure an enrollee receives breastfeeding equipment within 48 hours, an enrollee may purchase the equipment and the health plan shall reimburse all out-of-pocket expenses incurred by the enrollee, including any balance billing amounts.

(5) Breastfeeding equipment specified in paragraph (2) of this subsection shall be made available within 12 hours of notification of need. If equipment is not available within 12 hours of notification of need, the individual health insurer shall reimburse all out-of-pocket rental expenses incurred by an enrollee, including any balance billing amounts, until the enrollee receives breastfeeding equipment.

c. Coverage of comprehensive lactation counseling and lactation consultation shall include:

(1) In-person, one-on-one lactation counseling and lactation consultation, subject to the following conditions:

(a) Coverage shall include visits that occur inside and outside a hospital or office setting. In-person lactation counseling and lactation consultation shall be covered regardless of location of service provision and shall include home visits.

(b) Lactation counseling and lactation consultation shall be made available within 24 hours of notification of need.

(2) Telephonic lactation assistance shall be covered in addition to, and not as a substitute for, in-person, one-on-one lactation counseling or lactation consultation, when an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. The telephonic lactation assistance shall be provided within 12 hours of notification of need.

(3) Group lactation counseling shall be covered in addition to, and not as a substitute for, one-on-one, in-person lactation counseling or lactation consultation, if an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. Group counseling shall include educational classes and support groups.

(4) A policy shall not require prior authorization, prescription or referral for any lactation counseling or lactation consultation, regardless of provider type or setting.

(5) An individual health insurer shall not impose medical management techniques not described in this section.

d. Except as otherwise authorized pursuant to this section, an individual health insurer shall not impose restrictions on the coverage provided pursuant to this section, including, but not limited to, limitations on reimbursement to allowable amounts or reasonable and customary charges, documentation requests, or delays on the coverage provided.

e. As used in this section:

“Cost-sharing” means deductible, co-insurance or co-payments, or similar charges.

“Breast pump kit” means a collection of tubing, valves, flanges, collection bottles, or other parts required to extract human milk using a breast pump.

“Lactation consultant” means an individual who is an International Board Certified Lactation Consultant.

“Lactation consultation” means the clinical application by a lactation consultant or other licensed health care provider of scientific principles and a multidisciplinary body of evidence for evaluation, problem identification, treatment, education, and consultation to child-bearing families utilizing lactation care and services.

Lactation care and services shall include, but not be limited to:

(1) lactation assessment through the systematic collection of subjective and objective data;

(2) analysis of data and creation of a plan of care;

(3) implementation of a lactation care plan with demonstration and instruction to parents and communication to the primary health care provider;

(4) evaluation of outcomes;

(5) provision of lactation education to parents and health care providers; and

(6) the recommendation and use of assistive devices.

“Lactation counseling” means breastfeeding education and support services provided by a lactation counselor, such as:

(1) educating women, families, health care professionals, and the community about the impact of breastfeeding and human lactation on health and what to expect in the normal course of breastfeeding;

(2) acting as an advocate for breastfeeding as the norm for feeding infants and young children;

(3) providing breastfeeding support, encouragement, and care from preconception to weaning in order to help women and their families meet their breastfeeding goals;

(4) using principles of adult education when teaching clients, health care providers, and others in the community; and

(5) identifying and referring high-risk mothers and babies and those requiring clinical treatment appropriately.

“Lactation counselor” means an individual, other than an International Board Certified Lactation Consultant or a licensed health care provider, who is:

(1) licensed or certified to practice lactation counseling under any law, or who is an accredited member belonging to another profession or occupation, who provides breastfeeding education and support services for which that person is licensed, regulated, accredited, or certified; or

(2) a community-based lactation supporter who has received at least 40 hours of specialty education in breastfeeding and lactation, and who works within a lactation counselor's scope of practice.

"Telephonic lactation assistance" means lactation counseling or consultation with a lactation counselor or lactation consultant conducted remotely through live voice communication.

f. This section shall apply to those policies in which the individual health insurer has reserved the right to change the premium.

C.17B:27-46.1ss Group health insurer to provide coverage for breastfeeding support.

5. a. A group health insurer policy that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of P.L.2019, c.343 (C.17:48-6ss et al.), shall provide coverage for comprehensive lactation support, counseling, and consultation, and the costs for renting or purchasing breastfeeding equipment, in conjunction with each birth, for the duration of breastfeeding for health plan enrollees, with no cost-sharing.

b. Coverage of breastfeeding equipment shall include:

(1) Purchase of a single-user breast pump, subject to the following conditions:

(a) A policy shall cover the purchase of a double electric breast pump. If an enrollee requests a manual pump in lieu of the double electric breast pump, the health plan shall cover the purchase of a manual pump.

(b) A double electric breast pump provided pursuant to this paragraph shall be of sufficient power and durability to establish and maintain milk supply for the duration of breastfeeding.

(c) A policy shall not require documentation of medical necessity, prior authorization, or a prescription for a breast pump provided pursuant to this paragraph.

(d) Coverage shall be available at any time during pregnancy and the postpartum period, and shall continue for the duration of breastfeeding as defined by the plan enrollee.

(e) Coverage for breast pumps shall include repair or replacement if necessary.

(2) Rental or purchase of a multi-user breast pump, on the recommendation of a licensed health care provider, subject to the following conditions:

(a) When recommended by a licensed health care provider, a policy shall provide coverage for a multi-user breast pump.

(b) A group health insurer may determine whether a rental or purchase is covered.

(c) Coverage for a multi-user breast pump shall be covered without regard to coverage or acquisition of a single-user breast pump.

(d) A group health insurer may require a letter of medical necessity from a lactation consultant or other health care provider for coverage of a multi-user pump. The letter shall not interfere with the timely acquisition of a multi-user pump.

(3) Coverage of breastfeeding equipment pursuant to this section shall include two breast pump kits per birth event, as well as appropriate size breast pump flanges, or other lactation accessories recommended by a health care provider.

(4) Breastfeeding equipment specified in paragraphs (1) and (3) of this subsection shall be furnished: within 48 hours of notification of need, if requested after the birth of the child; or by the later of two weeks before the enrollee's expected due date or 72 hours after notification, if requested prior to the birth of the child. If the group health insurer cannot

ensure an enrollee receives breastfeeding equipment within 48 hours, an enrollee may purchase the equipment and the health plan shall reimburse all out-of-pocket expenses incurred by the enrollee, including any balance billing amounts.

(5) Breastfeeding equipment specified in paragraph (2) of this subsection shall be made available within 12 hours of notification of need. If equipment is not available within 12 hours of notification of need, the group health insurer shall reimburse all out-of-pocket rental expenses incurred by an enrollee, including any balance billing amounts, until the enrollee receives breastfeeding equipment.

c. Coverage of comprehensive lactation counseling and lactation consultation shall include:

(1) In-person, one-on-one lactation counseling and lactation consultation, subject to the following conditions:

(a) Coverage shall include visits that occur inside and outside a hospital or office setting. In-person lactation counseling and lactation consultation shall be covered regardless of location of service provision and shall include home visits.

(b) Lactation counseling and lactation consultation shall be made available within 24 hours of notification of need.

(2) Telephonic lactation assistance shall be covered in addition to, and not as a substitute for, in-person, one-on-one lactation counseling or lactation consultation, when an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. The telephonic lactation assistance shall be provided within 12 hours of notification of need.

(3) Group lactation counseling shall be covered in addition to, and not as a substitute for, one-on-one, in-person lactation counseling or lactation consultation, if an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. Group counseling shall include educational classes and support groups.

(4) A policy shall not require prior authorization, prescription or referral for any lactation counseling or lactation consultation, regardless of provider type or setting.

(5) A group health insurer shall not impose medical management techniques not described in this section.

d. Except as otherwise authorized pursuant to this section, a group health insurer shall not impose restrictions on the coverage provided pursuant to this section, including, but not limited to, limitations on reimbursement to allowable amounts or reasonable and customary charges, documentation requests, or delays on the coverage provided.

e. As used in this section:

“Cost-sharing” means deductible, co-insurance or co-payments, or similar charges.

“Breast pump kit” means a collection of tubing, valves, flanges, collection bottles, or other parts required to extract human milk using a breast pump.

“Lactation consultant” means an individual who is an International Board Certified Lactation Consultant.

“Lactation consultation” means the clinical application by a lactation consultant or other licensed health care provider of scientific principles and a multidisciplinary body of evidence for evaluation, problem identification, treatment, education, and consultation to child-bearing families utilizing lactation care and services.

Lactation care and services shall include, but not be limited to:

(1) lactation assessment through the systematic collection of subjective and objective data;

(2) analysis of data and creation of a plan of care;

- (3) implementation of a lactation care plan with demonstration and instruction to parents and communication to the primary health care provider;
- (4) evaluation of outcomes;
- (5) provision of lactation education to parents and health care providers; and
- (6) the recommendation and use of assistive devices.

"Lactation counseling" means breastfeeding education and support services provided by a lactation counselor, such as:

- (1) educating women, families, health care professionals, and the community about the impact of breastfeeding and human lactation on health and what to expect in the normal course of breastfeeding;
- (2) acting as an advocate for breastfeeding as the norm for feeding infants and young children;
- (3) providing breastfeeding support, encouragement, and care from preconception to weaning in order to help women and their families meet their breastfeeding goals;
- (4) using principles of adult education when teaching clients, health care providers, and others in the community; and
- (5) identifying and referring high-risk mothers and babies and those requiring clinical treatment appropriately.

"Lactation counselor" means an individual, other than an International Board Certified Lactation Consultant or a licensed health care provider, who is:

- (1) licensed or certified to practice lactation counseling under any law, or who is an accredited member belonging to another profession or occupation, who provides breastfeeding education and support services for which that person is licensed, regulated, accredited, or certified; or
- (2) a community-based lactation supporter who has received at least 40 hours of specialty education in breastfeeding and lactation, and who works within a lactation counselor's scope of practice. "Telephonic lactation assistance" means lactation counseling or consultation with a lactation counselor or lactation consultant conducted remotely through live voice communication.

f. This section shall apply to those policies in which the group health insurer has reserved the right to change the premium.

C.17B:27A-7.25 Individual health benefits plan to provide coverage for breastfeeding support.

6. a. An individual health benefits plan that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of P.L.2019, c.343 (C.17:48-6ss et al.), shall provide coverage for comprehensive lactation support, counseling, and consultation, and the costs for renting or purchasing breastfeeding equipment, in conjunction with each birth, for the duration of breastfeeding for health plan enrollees, with no cost-sharing.

b. Coverage of breastfeeding equipment shall include:

- (1) Purchase of a single-user breast pump, subject to the following conditions:
 - (a) A plan shall cover the purchase of a double electric breast pump. If an enrollee requests a manual pump in lieu of the double electric breast pump, the health plan shall cover the purchase of a manual pump.

(b) A double electric breast pump provided pursuant to this paragraph shall be of sufficient power and durability to establish and maintain milk supply for the duration of breastfeeding.

(c) A plan shall not require documentation of medical necessity, prior authorization, or a prescription for a breast pump provided pursuant to this paragraph.

(d) Coverage shall be available at any time during pregnancy and the postpartum period, and shall continue for the duration of breastfeeding as defined by the plan enrollee.

(e) Coverage for breast pumps shall include repair or replacement if necessary.

(2) Rental or purchase of a multi-user breast pump, on the recommendation of a licensed health care provider, subject to the following conditions:

(a) When recommended by a licensed health care provider, a plan shall provide coverage for a multi-user breast pump.

(b) An individual health benefits plan may determine whether a rental or purchase is covered.

(c) Coverage for a multi-user breast pump shall be covered without regard to coverage or acquisition of a single-user breast pump.

(d) An individual health benefits plan may require a letter of medical necessity from a lactation consultant or other health care provider for coverage of a multi-user pump. The letter shall not interfere with the timely acquisition of a multi-user pump.

(3) Coverage of breastfeeding equipment pursuant to this section shall include two breast pump kits per birth event, as well as appropriate size breast pump flanges, or other lactation accessories recommended by a health care provider.

(4) Breastfeeding equipment specified in paragraphs (1) and (3) of this subsection shall be furnished: within 48 hours of notification of need, if requested after the birth of the child; or by the later of two weeks before the enrollee's expected due date or 72 hours after notification, if requested prior to the birth of the child. If the individual health benefits plan cannot ensure an enrollee receives breastfeeding equipment within 48 hours, an enrollee may purchase the equipment and the health plan shall reimburse all out-of-pocket expenses incurred by the enrollee, including any balance billing amounts.

(5) Breastfeeding equipment specified in paragraph (2) of this subsection shall be made available within 12 hours of notification of need. If equipment is not available within 12 hours of notification of need, the individual health benefits plan shall reimburse all out-of-pocket rental expenses incurred by an enrollee, including any balance billing amounts, until the enrollee receives breastfeeding equipment.

c. Coverage of comprehensive lactation counseling and lactation consultation shall include:

(1) In-person, one-on-one lactation counseling and lactation consultation, subject to the following conditions:

(a) Coverage shall include visits that occur inside and outside a hospital or office setting. In-person lactation counseling and lactation consultation shall be covered regardless of location of service provision and shall include home visits.

(b) Lactation counseling and lactation consultation shall be made available within 24 hours of notification of need.

(2) Telephonic lactation assistance shall be covered in addition to, and not as a substitute for, in-person, one-on-one lactation counseling or lactation consultation, when an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. The telephonic lactation assistance shall be provided within 12 hours of notification of need.

(3) Group lactation counseling shall be covered in addition to, and not as a substitute for, one-on-one, in-person lactation counseling or lactation consultation, if an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. Group counseling shall include educational classes and support groups.

(4) A plan shall not require prior authorization, prescription or referral for any lactation counseling or lactation consultation, regardless of provider type or setting.

(5) An individual health benefits plan shall not impose medical management techniques not described in this section.

d. Except as otherwise authorized pursuant to this section, an individual health benefits plan shall not impose restrictions on the coverage provided pursuant to this section, including, but not limited to, limitations on reimbursement to allowable amounts or reasonable and customary charges, documentation requests, or delays on the coverage provided.

e. As used in this section:

“Cost-sharing” means deductible, co-insurance or co-payments, or similar charges.

“Breast pump kit” means a collection of tubing, valves, flanges, collection bottles, or other parts required to extract human milk using a breast pump.

“Lactation consultant” means an individual who is an International Board Certified Lactation Consultant.

“Lactation consultation” means the clinical application by a lactation consultant or other licensed health care provider of scientific principles and a multidisciplinary body of evidence for evaluation, problem identification, treatment, education, and consultation to child-bearing families utilizing lactation care and services.

Lactation care and services shall include, but not be limited to:

(1) lactation assessment through the systematic collection of subjective and objective data;

(2) analysis of data and creation of a plan of care;

(3) implementation of a lactation care plan with demonstration and instruction to parents and communication to the primary health care provider;

(4) evaluation of outcomes;

(5) provision of lactation education to parents and health care providers; and

(6) the recommendation and use of assistive devices.

“Lactation counseling” means breastfeeding education and support services provided by a lactation counselor, such as:

(1) educating women, families, health care professionals, and the community about the impact of breastfeeding and human lactation on health and what to expect in the normal course of breastfeeding;

(2) acting as an advocate for breastfeeding as the norm for feeding infants and young children;

(3) providing breastfeeding support, encouragement, and care from preconception to weaning in order to help women and their families meet their breastfeeding goals;

(4) using principles of adult education when teaching clients, health care providers, and others in the community; and

(5) identifying and referring high-risk mothers and babies and those requiring clinical treatment appropriately.

“Lactation counselor” means an individual, other than an International Board Certified Lactation Consultant or a licensed health care provider, who is:

(1) licensed or certified to practice lactation counseling under any law, or who is an accredited member belonging to another profession or occupation, who provides breastfeeding education and support services for which that person is licensed, regulated, accredited, or certified; or

(2) a community-based lactation supporter who has received at least 40 hours of specialty education in breastfeeding and lactation, and who works within a lactation counselor’s scope of practice.

“Telephonic lactation assistance” means lactation counseling or consultation with a lactation counselor or lactation consultant conducted remotely through live voice communication.

f. This section shall apply to those plans in which the individual health benefits plan has reserved the right to change the premium.

C.17B:27A-19.29 Small employer health benefits plan to provide coverage for breastfeeding support.

7. a. A small employer health benefits plan that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of P.L.2019, c.343 (C.17:48-6ss et al.), shall provide coverage for comprehensive lactation support, counseling, and consultation, and the costs for renting or purchasing breastfeeding equipment, in conjunction with each birth, for the duration of breastfeeding for health plan enrollees, with no cost-sharing.

b. Coverage of breastfeeding equipment shall include:

(1) Purchase of a single-user breast pump, subject to the following conditions:

(a) A plan shall cover the purchase of a double electric breast pump. If an enrollee requests a manual pump in lieu of the double electric breast pump, the health plan shall cover the purchase of a manual pump.

(b) A double electric breast pump provided pursuant to this paragraph shall be of sufficient power and durability to establish and maintain milk supply for the duration of breastfeeding.

(c) A plan shall not require documentation of medical necessity, prior authorization, or a prescription for a breast pump provided pursuant to this paragraph.

(d) Coverage shall be available at any time during pregnancy and the postpartum period, and shall continue for the duration of breastfeeding as defined by the plan enrollee.

(e) Coverage for breast pumps shall include repair or replacement if necessary.

(2) Rental or purchase of a multi-user breast pump, on the recommendation of a licensed health care provider, subject to the following conditions:

(a) When recommended by a licensed health care provider, a plan shall provide coverage for a multi-user breast pump.

(b) A small employer health benefits plan may determine whether a rental or purchase is covered.

(c) Coverage for a multi-user breast pump shall be covered without regard to coverage or acquisition of a single-user breast pump.

(d) A small employer health benefits plan may require a letter of medical necessity from a lactation consultant or other health care provider for coverage of a multi-user pump. The letter shall not interfere with the timely acquisition of a multi-user pump.

(3) Coverage of breastfeeding equipment pursuant to this section shall include two breast pump kits per birth event, as well as appropriate size breast pump flanges, or other lactation accessories recommended by a health care provider.

(4) Breastfeeding equipment specified in paragraphs (1) and (3) of this subsection shall be furnished: within 48 hours of notification of need, if requested after the birth of the child; or by the later of two weeks before the enrollee's expected due date or 72 hours after notification, if requested prior to the birth of the child. If the small employer health benefits plan cannot ensure an enrollee receives breastfeeding equipment within 48 hours, an enrollee may purchase the equipment and the health plan shall reimburse all out-of-pocket expenses incurred by the enrollee, including any balance billing amounts.

(5) Breastfeeding equipment specified in paragraph (2) of this subsection shall be made available within 12 hours of notification of need. If equipment is not available within 12 hours of notification of need, the small employer health benefits plan shall reimburse all out-of-pocket rental expenses incurred by an enrollee, including any balance billing amounts, until the enrollee receives breastfeeding equipment.

c. Coverage of comprehensive lactation counseling and lactation consultation shall include:

(1) In-person, one-on-one lactation counseling and lactation consultation, subject to the following conditions:

(a) Coverage shall include visits that occur inside and outside a hospital or office setting. In-person lactation counseling and lactation consultation shall be covered regardless of location of service provision and shall include home visits.

(b) Lactation counseling and lactation consultation shall be made available within 24 hours of notification of need.

(2) Telephonic lactation assistance shall be covered in addition to, and not as a substitute for, in-person, one-on-one lactation counseling or lactation consultation, when an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. The telephonic lactation assistance shall be provided within 12 hours of notification of need.

(3) Group lactation counseling shall be covered in addition to, and not as a substitute for, one-on-one, in-person lactation counseling or lactation consultation, if an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. Group counseling shall include educational classes and support groups.

(4) A plan shall not require prior authorization, prescription or referral for any lactation counseling or lactation consultation, regardless of provider type or setting.

(5) A small employer health benefits plan shall not impose medical management techniques not described in this section.

d. Except as otherwise authorized pursuant to this section, a small employer health benefits plan shall not impose restrictions on the coverage provided pursuant to this section, including, but not limited to, limitations on reimbursement to allowable amounts or reasonable and customary charges, documentation requests, or delays on the coverage provided.

e. As used in this section:

“Cost-sharing” means deductible, co-insurance or co-payments, or similar charges.

"Breast pump kit" means a collection of tubing, valves, flanges, collection bottles, or other parts required to extract human milk using a breast pump.

"Lactation consultant" means an individual who is an International Board Certified Lactation Consultant.

"Lactation consultation" means the clinical application by a lactation consultant or other licensed health care provider of scientific principles and a multidisciplinary body of evidence for evaluation, problem identification, treatment, education, and consultation to child-bearing families utilizing lactation care and services.

Lactation care and services shall include, but not be limited to:

- (1) lactation assessment through the systematic collection of subjective and objective data;
- (2) analysis of data and creation of a plan of care;
- (3) implementation of a lactation care plan with demonstration and instruction to parents and communication to the primary health care provider;
- (4) evaluation of outcomes;
- (5) provision of lactation education to parents and health care providers; and
- (6) the recommendation and use of assistive devices.

"Lactation counseling" means breastfeeding education and support services provided by a lactation counselor, such as:

- (1) educating women, families, health care professionals, and the community about the impact of breastfeeding and human lactation on health and what to expect in the normal course of breastfeeding;
- (2) acting as an advocate for breastfeeding as the norm for feeding infants and young children;
- (3) providing breastfeeding support, encouragement, and care from preconception to weaning in order to help women and their families meet their breastfeeding goals;
- (4) using principles of adult education when teaching clients, health care providers, and others in the community; and
- (5) identifying and referring high-risk mothers and babies and those requiring clinical treatment appropriately.

"Lactation counselor" means an individual, other than an International Board Certified Lactation Consultant or a licensed health care provider, who is:

- (1) licensed or certified to practice lactation counseling under any law, or who is an accredited member belonging to another profession or occupation, who provides breastfeeding education and support services for which that person is licensed, regulated, accredited, or certified; or
- (2) a community-based lactation supporter who has received at least 40 hours of specialty education in breastfeeding and lactation, and who works within a lactation counselor's scope of practice.

"Telephonic lactation assistance" means lactation counseling or consultation with a lactation counselor or lactation consultant conducted remotely through live voice communication.

f. This section shall apply to those plans in which the small employer health benefits plan has reserved the right to change the premium.

C.26:2J-4.44 Health maintenance organization to provide coverage for breastfeeding support.

8. a. A health maintenance organization contract that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of P.L.2019, c.343 (C.17:48-6ss et al.), shall provide coverage for comprehensive lactation support, counseling, and consultation, and the costs for renting or purchasing breastfeeding equipment, in conjunction with each birth, for the duration of breastfeeding for contract enrollees, with no cost-sharing.

b. Coverage of breastfeeding equipment shall include:

(1) Purchase of a single-user breast pump, subject to the following conditions:

(a) A contract shall cover the purchase of a double electric breast pump. If an enrollee requests a manual pump in lieu of the double electric breast pump, the contract shall cover the purchase of a manual pump.

(b) A double electric breast pump provided pursuant to this paragraph shall be of sufficient power and durability to establish and maintain milk supply for the duration of breastfeeding.

(c) A contract shall not require documentation of medical necessity, prior authorization, or a prescription for a breast pump provided pursuant to this paragraph.

(d) Coverage shall be available at any time during pregnancy and the postpartum period, and shall continue for the duration of breastfeeding as defined by the contract enrollee.

(e) Coverage for breast pumps shall include repair or replacement if necessary.

(2) Rental or purchase of a multi-user breast pump, on the recommendation of a licensed health care provider, subject to the following conditions:

(a) When recommended by a licensed health care provider, a contract shall provide coverage for a multi-user breast pump.

(b) A health maintenance organization may determine whether a rental or purchase is covered.

(c) Coverage for a multi-user breast pump shall be covered without regard to coverage or acquisition of a single-user breast pump.

(d) A health maintenance organization may require a letter of medical necessity from a lactation consultant or other health care provider for coverage of a multi-user pump. The letter shall not interfere with the timely acquisition of a multi-user pump.

(3) Coverage of breastfeeding equipment pursuant to this section shall include two breast pump kits per birth event, as well as appropriate size breast pump flanges, or other lactation accessories recommended by a health care provider.

(4) Breastfeeding equipment specified in paragraphs (1) and (3) of this subsection shall be furnished: within 48 hours of notification of need, if requested after the birth of the child; or by the later of two weeks before the enrollee's expected due date or 72 hours after notification, if requested prior to the birth of the child. If the health maintenance organization cannot ensure an enrollee receives breastfeeding equipment within 48 hours, an enrollee may purchase the equipment and the contract shall reimburse all out-of-pocket expenses incurred by the enrollee, including any balance billing amounts.

(5) Breastfeeding equipment specified in paragraph (2) of this subsection shall be made available within 12 hours of notification of need. If equipment is not available within 12 hours of notification of need, the health maintenance organization shall reimburse all out-of-pocket rental expenses incurred by an enrollee, including any balance billing amounts, until the enrollee receives breastfeeding equipment.

c. Coverage of comprehensive lactation counseling and lactation consultation shall include:

(1) In-person, one-on-one lactation counseling and lactation consultation, subject to the following conditions:

(a) Coverage shall include visits that occur inside and outside a hospital or office setting. In-person lactation counseling and lactation consultation shall be covered regardless of location of service provision and shall include home visits.

(b) Lactation counseling and lactation consultation shall be made available within 24 hours of notification of need.

(2) Telephonic lactation assistance shall be covered in addition to, and not as a substitute for, in-person, one-on-one lactation counseling or lactation consultation, when an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. The telephonic lactation assistance shall be provided within 12 hours of notification of need.

(3) Group lactation counseling shall be covered in addition to, and not as a substitute for, one-on-one, in-person lactation counseling or lactation consultation, if an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. Group counseling shall include educational classes and support groups.

(4) A contract shall not require prior authorization, prescription or referral for any lactation counseling or lactation consultation, regardless of provider type or setting.

(5) A health maintenance organization shall not impose medical management techniques not described in this section.

d. Except as otherwise authorized pursuant to this section, a health maintenance organization shall not impose restrictions on the coverage provided pursuant to this section, including, but not limited to, limitations on reimbursement to allowable amounts or reasonable and customary charges, documentation requests, or delays on the coverage provided.

e. As used in this section:

“Cost-sharing” means deductible, co-insurance or co-payments, or similar charges.

“Breast pump kit” means a collection of tubing, valves, flanges, collection bottles, or other parts required to extract human milk using a breast pump.

“Lactation consultant” means an individual who is an International Board Certified Lactation Consultant.

“Lactation consultation” means the clinical application by a lactation consultant or other licensed health care provider of scientific principles and a multidisciplinary body of evidence for evaluation, problem identification, treatment, education, and consultation to child-bearing families utilizing lactation care and services.

Lactation care and services shall include, but not be limited to:

(1) lactation assessment through the systematic collection of subjective and objective data;

(2) analysis of data and creation of a plan of care;

(3) implementation of a lactation care plan with demonstration and instruction to parents and communication to the primary health care provider;

(4) evaluation of outcomes;

(5) provision of lactation education to parents and health care providers; and

(6) the recommendation and use of assistive devices.

“Lactation counseling” means breastfeeding education and support services provided by a lactation counselor, such as:

(1) educating women, families, health care professionals, and the community about the impact of breastfeeding and human lactation on health and what to expect in the normal course of breastfeeding;

(2) acting as an advocate for breastfeeding as the norm for feeding infants and young children;

(3) providing breastfeeding support, encouragement, and care from preconception to weaning in order to help women and their families meet their breastfeeding goals;

(4) using principles of adult education when teaching clients, health care providers, and others in the community; and

(5) identifying and referring high-risk mothers and babies and those requiring clinical treatment appropriately.

“Lactation counselor” means an individual, other than an International Board Certified Lactation Consultant or a licensed health care provider, who is:

(1) licensed or certified to practice lactation counseling under any law, or who is an accredited member belonging to another profession or occupation, who provides breastfeeding education and support services for which that person is licensed, regulated, accredited, or certified; or

(2) a community-based lactation supporter who has received at least 40 hours of specialty education in breastfeeding and lactation, and who works within a lactation counselor’s scope of practice.

“Telephonic lactation assistance” means lactation counseling or consultation with a lactation counselor or lactation consultant conducted remotely through live voice communication.

f. The provisions of this section shall apply to those contracts for health care services by health maintenance organizations under which the right to change the schedule of charges for enrollee coverage is reserved.

C.52:14-17.29cc SHBC to provide coverage for breastfeeding support.

9. a. The State Health Benefits Commission shall ensure that every contract purchased by the commission on or after the effective date of this act that provides hospital or medical expense benefits shall provide coverage for comprehensive lactation support, counseling, and consultation, and the costs for renting or purchasing breastfeeding equipment, in conjunction with each birth, for the duration of breastfeeding for contract enrollees, with no cost-sharing.

b. Coverage of breastfeeding equipment shall include:

(1) Purchase of a single-user breast pump, subject to the following conditions:

(a) A contract shall cover the purchase of a double electric breast pump. If an enrollee requests a manual pump in lieu of the double electric breast pump, the contract shall cover the purchase of a manual pump.

(b) A double electric breast pump provided pursuant to this paragraph shall be of sufficient power and durability to establish and maintain milk supply for the duration of breastfeeding.

(c) A contract shall not require documentation of medical necessity, prior authorization, or a prescription for a breast pump provided pursuant to this paragraph.

(d) Coverage shall be available at any time during pregnancy and the postpartum period, and shall continue for the duration of breastfeeding as defined by the contract enrollee.

(e) Coverage for breast pumps shall include repair or replacement if necessary.

(2) Rental or purchase of a multi-user breast pump, on the recommendation of a licensed health care provider, subject to the following conditions:

(a) When recommended by a licensed health care provider, a contract shall provide coverage for a multi-user breast pump.

(b) A contract may provide for a determination as to whether a rental or purchase is covered.

(c) Coverage for a multi-user breast pump shall be covered without regard to coverage or acquisition of a single-user breast pump.

(d) A contract may provide for requirement of a letter of medical necessity from a lactation consultant or other health care provider for coverage of a multi-user pump. The letter shall not interfere with the timely acquisition of a multi-user pump.

(3) Coverage of breastfeeding equipment pursuant to this section shall include two breast pump kits per birth event, as well as appropriate size breast pump flanges, or other lactation accessories recommended by a health care provider.

(4) Breastfeeding equipment specified in paragraphs (1) and (3) of this subsection shall be furnished: within 48 hours of notification of need, if requested after the birth of the child; or by the later of two weeks before the enrollee's expected due date or 72 hours after notification, if requested prior to the birth of the child. If the enrollee does not receive breastfeeding equipment within 48 hours, the enrollee may purchase the equipment and the contract shall provide for reimbursement of all out-of-pocket expenses incurred by the enrollee, including any balance billing amounts.

(5) Breastfeeding equipment specified in paragraph (2) of this subsection shall be made available within 12 hours of notification of need. If equipment is not available within 12 hours of notification of need, the contract shall provide for reimbursement of all out-of-pocket rental expenses incurred by the enrollee, including any balance billing amounts, until the enrollee receives breastfeeding equipment.

c. Coverage of comprehensive lactation counseling and lactation consultation shall include:

(1) In-person, one-on-one lactation counseling and lactation consultation, subject to the following conditions:

(a) Coverage shall include visits that occur inside and outside a hospital or office setting. In-person lactation counseling and lactation consultation shall be covered regardless of location of service provision and shall include home visits.

(b) Lactation counseling and lactation consultation shall be made available within 24 hours of notification of need.

(2) Telephonic lactation assistance shall be covered in addition to, and not as a substitute for, in-person, one-on-one lactation counseling or lactation consultation, when an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. The telephonic lactation assistance shall be provided within 12 hours of notification of need.

(3) Group lactation counseling shall be covered in addition to, and not as a substitute for, one-on-one, in-person lactation counseling or lactation consultation, if an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. Group counseling shall include educational classes and support groups.

(4) A contract shall not require prior authorization, prescription or referral for any lactation counseling or lactation consultation, regardless of provider type or setting.

(5) A contract shall not impose medical management techniques not described in this section.

d. Except as otherwise authorized pursuant to this section, a contract shall not impose restrictions on the coverage provided pursuant to this section, including, but not limited to, limitations on reimbursement to allowable amounts or reasonable and customary charges, documentation requests, or delays on the coverage provided.

e. As used in this section:

“Cost-sharing” means deductible, co-insurance or co-payments, or similar charges.

"Breast pump kit" means a collection of tubing, valves, flanges, collection bottles, or other parts required to extract human milk using a breast pump.

“Lactation consultant” means an individual who is an International Board Certified Lactation Consultant.

“Lactation consultation” means the clinical application by a lactation consultant or other licensed health care provider of scientific principles and a multidisciplinary body of evidence for evaluation, problem identification, treatment, education, and consultation to child-bearing families utilizing lactation care and services.

Lactation care and services shall include, but not be limited to:

(1) lactation assessment through the systematic collection of subjective and objective data;

(2) analysis of data and creation of a plan of care;

(3) implementation of a lactation care plan with demonstration and instruction to parents and communication to the primary health care provider;

(4) evaluation of outcomes;

(5) provision of lactation education to parents and health care providers; and

(6) the recommendation and use of assistive devices.

"Lactation counseling" means breastfeeding education and support services provided by a lactation counselor, such as:

(1) educating women, families, health care professionals, and the community about the impact of breastfeeding and human lactation on health and what to expect in the normal course of breastfeeding;

(2) acting as an advocate for breastfeeding as the norm for feeding infants and young children;

(3) providing breastfeeding support, encouragement, and care from preconception to weaning in order to help women and their families meet their breastfeeding goals;

(4) using principles of adult education when teaching clients, health care providers, and others in the community; and

(5) identifying and referring high-risk mothers and babies and those requiring clinical treatment appropriately.

“Lactation counselor” means an individual, other than an International Board Certified Lactation Consultant or a licensed health care provider, who is:

(1) licensed or certified to practice lactation counseling under any law, or who is an accredited member belonging to another profession or occupation, who provides breastfeeding education and support services for which that person is licensed, regulated, accredited, or certified; or

(2) a community-based lactation supporter who has received at least 40 hours of specialty education in breastfeeding and lactation, and who works within a lactation counselor’s scope of practice.

"Telephonic lactation assistance" means lactation counseling or consultation with a lactation counselor or lactation consultant conducted remotely through live voice communication.

C.52:14-17.46.6n School Employees' Health Benefits Commission to provide coverage for breastfeeding support.

10. a. The School Employees' Health Benefits Commission shall ensure that every contract purchased by the commission on or after the effective date of this act that provides hospital or medical expense benefits shall provide coverage for comprehensive lactation support, counseling, and consultation, and the costs for renting or purchasing breastfeeding equipment, in conjunction with each birth, for the duration of breastfeeding for contract enrollees, with no cost-sharing.

b. Coverage of breastfeeding equipment shall include:

(1) Purchase of a single-user breast pump, subject to the following conditions:

(a) A contract shall cover the purchase of a double electric breast pump. If an enrollee requests a manual pump in lieu of the double electric breast pump, the contract shall cover the purchase of a manual pump.

(b) A double electric breast pump provided pursuant to this paragraph shall be of sufficient power and durability to establish and maintain milk supply for the duration of breastfeeding.

(c) A contract shall not require documentation of medical necessity, prior authorization, or a prescription for a breast pump provided pursuant to this paragraph.

(d) Coverage shall be available at any time during pregnancy and the postpartum period, and shall continue for the duration of breastfeeding as defined by the contract enrollee.

(e) Coverage for breast pumps shall include repair or replacement if necessary.

(2) Rental or purchase of a multi-user breast pump, on the recommendation of a licensed health care provider, subject to the following conditions:

(a) When recommended by a licensed health care provider, a contract shall provide coverage for a multi-user breast pump.

(b) A contract may provide for a determination as to whether a rental or purchase is covered.

(c) Coverage for a multi-user breast pump shall be covered without regard to coverage or acquisition of a single-user breast pump.

(d) A contract may provide for requirement of a letter of medical necessity from a lactation consultant or other health care provider for coverage of a multi-user pump. The letter shall not interfere with the timely acquisition of a multi-user pump.

(3) Coverage of breastfeeding equipment pursuant to this section shall include two breast pump kits per birth event, as well as appropriate size breast pump flanges, or other lactation accessories recommended by a health care provider.

(4) Breastfeeding equipment specified in paragraphs (1) and (3) of this subsection shall be furnished: within 48 hours of notification of need, if requested after the birth of the child; or by the later of two weeks before the enrollee's expected due date or 72 hours after notification, if requested prior to the birth of the child. If the enrollee does not receive breastfeeding equipment within 48 hours, the enrollee may purchase the equipment and the contract shall provide for reimbursement of all out-of-pocket expenses incurred by the enrollee, including any balance billing amounts.

(5) Breastfeeding equipment specified in paragraph (2) of this subsection shall be made available within 12 hours of notification of need. If equipment is not available within 12 hours of notification of need, the contract shall provide for reimbursement of all out-of-pocket rental expenses incurred by the enrollee, including any balance billing amounts, until the enrollee receives breastfeeding equipment.

c. Coverage of comprehensive lactation counseling and lactation consultation shall include:

(1) In-person, one-on-one lactation counseling and lactation consultation, subject to the following conditions:

(a) Coverage shall include visits that occur inside and outside a hospital or office setting. In-person lactation counseling and lactation consultation shall be covered regardless of location of service provision and shall include home visits.

(b) Lactation counseling and lactation consultation shall be made available within 24 hours of notification of need.

(2) Telephonic lactation assistance shall be covered in addition to, and not as a substitute for, in-person, one-on-one lactation counseling or lactation consultation, when an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. The telephonic lactation assistance shall be provided within 12 hours of notification of need.

(3) Group lactation counseling shall be covered in addition to, and not as a substitute for, one-on-one, in-person lactation counseling or lactation consultation, if an enrollee requests one-on-one, in-person lactation counseling or lactation consultation. Group counseling shall include educational classes and support groups.

(4) A contract shall not require prior authorization, prescription or referral for any lactation counseling or lactation consultation, regardless of provider type or setting.

(5) A contract shall not impose medical management techniques not described in this section.

d. Except as otherwise authorized pursuant to this section, a contract shall not impose restrictions on the coverage provided pursuant to this section, including, but not limited to, limitations on reimbursement to allowable amounts or reasonable and customary charges, documentation requests, or delays on the coverage provided.

e. As used in this section:

“Cost-sharing” means deductible, co-insurance or co-payments, or similar charges.

“Breast pump kit” means a collection of tubing, valves, flanges, collection bottles, or other parts required to extract human milk using a breast pump.

“Lactation consultant” means an individual who is an International Board Certified Lactation Consultant.

“Lactation consultation” means the clinical application by a lactation consultant or other licensed health care provider of scientific principles and a multidisciplinary body of evidence for evaluation, problem identification, treatment, education, and consultation to child-bearing families utilizing lactation care and services.

Lactation care and services shall include, but not be limited to:

(1) lactation assessment through the systematic collection of subjective and objective data;

(2) analysis of data and creation of a plan of care;

(3) implementation of a lactation care plan with demonstration and instruction to parents and communication to the primary health care provider;

(4) evaluation of outcomes;

- (5) provision of lactation education to parents and health care providers; and
- (6) the recommendation and use of assistive devices.

"Lactation counseling" means breastfeeding education and support services provided by a lactation counselor, such as:

- (1) educating women, families, health care professionals, and the community about the impact of breastfeeding and human lactation on health and what to expect in the normal course of breastfeeding;
- (2) acting as an advocate for breastfeeding as the norm for feeding infants and young children;
- (3) providing breastfeeding support, encouragement, and care from preconception to weaning in order to help women and their families meet their breastfeeding goals;
- (4) using principles of adult education when teaching clients, health care providers, and others in the community; and
- (5) identifying and referring high-risk mothers and babies and those requiring clinical treatment appropriately.

"Lactation counselor" means an individual, other than an International Board Certified Lactation Consultant or a licensed health care provider, who is:

- (1) licensed or certified to practice lactation counseling under any law, or who is an accredited member belonging to another profession or occupation, who provides breastfeeding education and support services for which that person is licensed, regulated, accredited, or certified; or
- (2) a community-based lactation supporter who has received at least 40 hours of specialty education in breastfeeding and lactation, and who works within a lactation counselor's scope of practice.

"Telephonic lactation assistance" means lactation counseling or consultation with a lactation counselor or lactation consultant conducted remotely through live voice communication.

C.30:4D-6o Provision of breastfeeding support through Medicaid.

11. a. Notwithstanding any State law or regulation to the contrary, the Department of Human Services shall, contingent on maintaining or receiving necessary federal approvals, ensure that benefits for comprehensive lactation support, counseling, and consultation, and the costs for renting or purchasing breastfeeding equipment, in conjunction with each birth, for the duration of breastfeeding shall be provided with no cost-sharing to eligible persons under the Medicaid program, established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

b. Benefits for breastfeeding equipment shall include:

- (1) Purchase of a single-user breast pump, subject to the following conditions:
 - (a) Benefits for the purchase of a double electric breast pump. If an individual requests a manual pump in lieu of the double electric breast pump, benefits shall be provided for the purchase of a manual pump.
 - (b) A double electric breast pump provided pursuant to this paragraph shall be of sufficient power and durability to establish and maintain milk supply for the duration of breastfeeding.
 - (c) The department shall not require documentation of medical necessity, prior authorization, or a prescription for a breast pump provided pursuant to this paragraph.
 - (d) Benefits shall be available at any time during pregnancy and the postpartum period, and shall continue for the duration of breastfeeding as defined by the individual.

(e) Benefits for breast pumps shall include repair or replacement if necessary.

(2) Rental or purchase of a multi-user breast pump, on the recommendation of a licensed health care provider, subject to the following conditions:

(a) When recommended by a licensed health care provider, benefits shall be provided for a multi-user breast pump.

(b) The department may determine whether a rental or purchase is covered.

(c) Benefits for a multi-user breast pump shall be provided without regard to the provision or acquisition of a single-user breast pump.

(d) The department may require a letter of medical necessity from a lactation consultant or other health care provider for benefits of a multi-user pump. The letter shall not interfere with the timely acquisition of a multi-user pump.

(3) Benefits of breastfeeding equipment pursuant to this section shall include two breast pump kits per birth event, as well as appropriate size breast pump flanges, or other lactation accessories recommended by a health care provider.

(4) Breastfeeding equipment specified in paragraphs (1) and (3) of this subsection shall be furnished: within 48 hours of notification of need, if requested after the birth of the child; or by the later of two weeks before the enrollee's expected due date or 72 hours after notification, if requested prior to the birth of the child. If the department cannot ensure an individual shall receive breastfeeding equipment within 48 hours, an individual may purchase the equipment and the department shall reimburse all out-of-pocket expenses incurred by the individual, including any balance billing amounts.

(5) Breastfeeding equipment specified in paragraph (2) of this subsection shall be made available within 12 hours of notification of need. If equipment is not available within 12 hours of notification of need, the department shall reimburse all out-of-pocket rental expenses incurred by an individual, including any balance billing amounts, until the individual receives breastfeeding equipment.

c. Benefits for comprehensive lactation counseling and lactation consultation shall include:

(1) In-person, one-on-one lactation counseling and lactation consultation, subject to the following conditions:

(a) Benefits shall include visits that occur inside and outside a hospital or office setting. In-person lactation counseling and lactation consultation shall be covered regardless of location of service provision and shall include home visits.

(b) Lactation counseling and lactation consultation shall be made available within 24 hours of notification of need.

(2) Telephonic lactation assistance shall be covered in addition to, and not as a substitute for, in-person, one-on-one lactation counseling or lactation consultation, when an individual requests one-on-one, in-person lactation counseling or lactation consultation. The telephonic lactation assistance shall be provided within 12 hours of notification of need.

(3) Group lactation counseling shall be covered in addition to, and not as a substitute for, one-on-one, in-person lactation counseling or lactation consultation, if an individual requests one-on-one, in-person lactation counseling or lactation consultation. Group counseling shall include educational classes and support groups.

(4) The department shall not require prior authorization, prescription or referral for any lactation counseling or lactation consultation, regardless of provider type or setting.

(5) The department shall not impose medical management techniques not described in this section.

d. Except as otherwise authorized pursuant to this section, the department shall not impose restrictions on the benefits provided pursuant to this section, including, but not limited to, limitations on reimbursement to allowable amounts or reasonable and customary charges, documentation requests, or delays on the benefits provided.

e. As used in this section:

“Cost-sharing” means deductible, co-insurance or co-payments, or similar charges.

"Breast pump kit" means a collection of tubing, valves, flanges, collection bottles, or other parts required to extract human milk using a breast pump.

“Lactation consultant” means an individual who is an International Board Certified Lactation Consultant.

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Lactation care and services shall include, but not be limited to:

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"Lactation counseling" means breastfeeding education and support services provided by a lactation counselor, such as:

(1) educating women, families, health care professionals, and the community about the impact of breastfeeding and human lactation on health and what to expect in the normal course of breastfeeding;

(2) acting as an advocate for breastfeeding as the norm for feeding infants and young children;

(3) providing breastfeeding support, encouragement, and care from preconception to weaning in order to help women and their families meet their breastfeeding goals;

(4) using principles of adult education when teaching clients, health care providers, and others in the community; and

(5) identifying and referring high-risk mothers and babies and those requiring clinical treatment appropriately.

“Lactation counselor” means an individual, other than an International Board Certified Lactation Consultant or a licensed health care provider, who is:

(1) licensed or certified to practice lactation counseling under any law, or who is an accredited member belonging to another profession or occupation, who provides breastfeeding education and support services for which that person is licensed, regulated, accredited, or certified; or

(2) a community-based lactation supporter who has received at least 40 hours of specialty education in breastfeeding and lactation, and who works within a lactation counselor’s scope of practice.

"Telephonic lactation assistance" means lactation counseling or consultation with a lactation counselor or lactation consultant conducted remotely through live voice communication.

f. The Commissioner of Human Services shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this section and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.

12. This act shall take effect on the 180th day next following enactment.

Approved January 13, 2020.