An act to add Section 1367.625 to the Health and Safety Code, and to add Section 10123.875 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL’S DIGEST

AB 513, as introduced, De Leon. Health care coverage: breast-feeding.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of that act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, health care service plans and health insurers are required to offer specified types of coverage as part of their health care service plan contracts or health insurance policies. Existing law imposes specified requirements upon a health care service plan contract or health insurance policy that provides maternity coverage.

This bill would require a health care service plan and a health insurer to include coverage for lactation consultation and for the rental of breast pumps as part of their health care service plan contracts or health insurance policies that provide maternity coverage.

Because this bill would specify additional requirements under the Knox-Keene Act, the willful violation of which would be a crime, it would impose a state-mandated local program.
The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.


The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) Breast-feeding significantly reduces children’s risk for chronic diseases, such as diabetes, asthma, allergies, and infections in the gastrointestinal, urinary, and respiratory tracts. Breast-fed children have fewer visits to the doctor’s office, fewer days of hospitalization, and take fewer medications than children who were formula-fed. Research provides strong evidence that breast-feeding decreases the incidence or severity of diarrhea, lower respiratory infection, otitis media, bacteremia, bacterial meningitis, botulism, and necrotizing enterocolitis. There are a number of studies that show a possible protective effect of exclusive breast-feeding against sudden infant death syndrome (SIDS), insulin-dependent diabetes mellitus, Crohn’s disease, ulcerative colitis, lymphoma, allergic diseases, and other chronic digestive diseases. Breast-feeding has also been related to possible enhancement of cognitive development and a decreased chance of obesity in childhood and adulthood. Studies show that breast-feeding also reduces the mother’s risk for type 2 diabetes and breast and ovarian cancers.

(b) All major health organizations recommend that babies get no other food or drink besides breast milk for the first six months of their life, with continued breast-feeding for at least the first one to two years of life, as long as it is mutually desired. Exclusive breast-feeding for three months has been shown to reduce health care costs for infants in the first year of life alone by up to four hundred seventy-five dollars ($475), compared to nonbreast-fed infants.

(c) Lactation consultation provided by an international board certified lactation consultant (IBCLC) has been shown to help
women address the difficulties with breast-feeding and can assist
with the initiation and continuance of breast-feeding.

(d) Therefore, it is essential to clarify that all health coverage
made available to California consumers that provides maternity
coverage, whether issued by health care service plans regulated
by the Department of Managed Health Care or by health insurers
regulated by the Department of Insurance, shall include coverage
for lactation consultation by an international board certified
lactation consultant (IBCLC) and coverage for the rental of breast
pumps.

SEC. 2. Section 1367.625 is added to the Health and Safety
Code, to read:

1367.625. Every health care service plan contract, except a
specialized health care service plan contract, that provides
maternity coverage, and that is issued, amended, renewed, or
delivered on or after January 1, 2010, shall provide coverage for
lactation consultation with an international board certified lactation
consultant (IBCLC) and for the rental of breast pumps.

SEC. 3. Section 10123.875 is added to the Insurance Code, to
read:

10123.875. Every policy of health insurance that provides
maternity coverage, and that is issued, amended, renewed, or
delivered on or after January 1, 2010, shall provide coverage for
lactation consultation with an international board certified lactation
consultant (IBCLC) and for the rental of breast pumps.

SEC. 4. No reimbursement is required by this act pursuant to
Section 6 of Article XIIIB of the California Constitution because
the only costs that may be incurred by a local agency or school
district will be incurred because this act creates a new crime or
infraction, eliminates a crime or infraction, or changes the penalty
for a crime or infraction, within the meaning of Section 17556 of
the Government Code, or changes the definition of a crime within
the meaning of Section 6 of Article XIIIB of the California
Constitution.