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TO: Joint Committee on Health Coverage, Insurance and Financial Services

FROM: Mikenzie Dwyer, Public Health & Government Affairs Associate

DATE: March 23, 2023

**SUPPORT** – [LD 267](#), An Act to Require Private Insurance Coverage for Donor Breast Milk

Good afternoon, Senator Bailey, Representative Perry and the distinguished members of the Health Coverage, Insurance, and Financial Services Committee. My name is Mikenzie Dwyer, I am the Public Health and Government Affairs Associate for the Maine Medical Association and I live in Windham. The MMA appreciates the opportunity to submit the following comments in support of LD 267 which would require health plans to provide coverage for donor breast milk if a physician or physician assistant signs an order stating the infant meets the criteria for coverage.

The health effects of breastfeeding are well recognized. Breast milk is the best source of infant nutrition and immunologic protection. Breast milk can also be an essential medicine for infants on the cusp of life and death, helping to prevent infection and ensure health brain development. Pasteurized donor milk is safe and may be considered in situations in which the supply of maternal milk is insufficient. For infants who are extremely medically fragile, human breast milk may be the only appropriate food source for them. A 2019 review found that feeding premature or low birthweight infants formula rather than donor human breast milk nearly doubled the NEC (necrotizing enterocolitis) risk<sup>1</sup>. Yet the costs and access to donor breast milk can be a barrier in accessing this much needed nutrition source.

Both the American Academy of Pediatrics<sup>2</sup> and the Surgeon General<sup>3</sup> have called for policy changes to improve availability and affordability of donor breast milk. Fourteen states and the District of Columbia have enacted legislation or regulations addressing the access barriers for

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<sup>1</sup> Quigley M, Embleton ND, McGuire W. Formula versus donor breast milk for feeding preterm or low birth weight infants. Cochrane Database Syst Rev. 2019 Jul 19;7(7):CD002971. doi: 10.1002/14651858.CD002971.pub5. PMID: 31322731; PMCID: PMC6640412.

<sup>2</sup> COMMITTEE ON NUTRITION; SECTION ON BREASTFEEDING; COMMITTEE ON FETUS AND NEWBORN. Donor Human Milk for the High-Risk Infant: Preparation, Safety, and Usage Options in the United States. Pediatrics. 2017 Jan;139(1):e20163440. doi: 10.1542/peds.2016-3440. PMID: 27994111.

<sup>3</sup> Office of the Surgeon General (US); Centers for Disease Control and Prevention (US); Office on Women's Health (US). The Surgeon General's Call to Action to Support Breastfeeding. Rockville (MD): Office of the Surgeon General (US); 2011. PMID: 21452448.

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donor breast milk. Four<sup>4</sup> (Illinois, Kentucky, New Jersey, & New York) have enacted legislation to require private insurers to provide coverage for donor breast milk and several other states are currently seeking similar legislation.

Given the importance of breastfeeding and breastmilk for the health and well-being of children, the Maine Medical Association supports action to support breastfeeding. Following this testimony are some links that may be helpful when drafting guidelines for donor human breast milk for safety and distribution.

We thank the committee for considering our comments in support of LD 267 and welcome any questions the committee may have for the work session.

Sincerely,  
Mikenzie Dwyer

([mdwyer@mainemed.com](mailto:mdwyer@mainemed.com))

Links:

[Donor Human Milk for the High-Risk Infant: Preparation, Safety, and Usage Options in the United States](#), *American Academy of Pediatrics*

[HMBANA Standards for Donor Human Milk Banking](#), *Human Milk Banking Association of North America*

[Use of Donor Human Milk](#), *U.S. Food & Drug Administration*

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<sup>4</sup> Rose AT, Miller ER, Butler M, Eden C, Kim JH, Shah SI, Patel RM. US state policies for Medicaid coverage of donor human milk. *J Perinatol*. 2022 Jun;42(6):829-834. doi: 10.1038/s41372-022-01375-9. Epub 2022 Apr 4. PMID: 35379899; PMCID: PMC8979482.

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