

2024 Regular Session

SENATE BILL NO. 300

BY SENATORS DUPLESSIS, BARROW, BOUDREAUX, BOUIE, CARTER, FIELDS,
HENRY, JACKSON-ANDREWS, JENKINS, LUNEAU, MCMATH,
MIZELL AND PRICE

INSURANCE POLICIES. Provides for health insurance coverage of pregnancy-related and postpartum healthcare services. (8/1/24)

1 AN ACT

2 To enact R.S. 22:1059.4 and 1059.5, relative to health insurance coverage for pregnancy-
3 related and postpartum healthcare services; to provide for coverage of nutrition
4 counseling services; to provide for coverage of qualified lactation care provider
5 services; to prohibit discriminatory language; to provide for definitions; to provide
6 for applicability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1059.4 and 1059.5 are hereby enacted to read as follows:

9 **§1059.4. Required coverage for pregnancy-related nutrition counseling**
10 **services; reimbursement discrimination prohibited; definitions**

11 **A. The legislature hereby finds and affirms all of the following:**

12 **(1) Louisiana has one of the highest maternal and infant mortality rates**
13 **in the United States and has a compelling interest and obligation to promote**
14 **practices that improve maternal and infant health outcomes.**

15 **(2) A healthy diet and weight before, during, and after pregnancy can**
16 **promote positive health outcomes for mothers and babies. Access to nutrition**
17 **services in the beginning of a pregnancy can lead to increased positive outcomes**

1 for both mothers and babies.

2 B.(1) Any health coverage plan delivered or issued for delivery in this
3 state that provides benefits for maternity services shall include coverage for
4 pregnancy-related nutrition counseling services provided by a licensed dietitian
5 or licensed nutritionist in the first trimester of the pregnancy when
6 recommended by the treating healthcare provider. Coverage provided pursuant
7 to this Section shall not require a diagnosis of gestational diabetes or any other
8 chronic health condition.

9 (2) The coverage provided for in this Section may be subject to annual
10 deductibles, coinsurance, and copayments consistent with those established
11 under the health coverage plan.

12 C. Terminology in any health coverage plan policy or contract deemed
13 discriminatory against licensed dietitians or licensed nutritionists or their
14 services is void and unenforceable.

15 D. For purposes of this Section, the following definitions apply:

16 (1) "Health coverage plan" means any hospital, health, or medical
17 expense insurance policy, hospital or medical service contract, employee welfare
18 benefit plan, contract, or other agreement with a health maintenance
19 organization or a preferred provider organization, health and accident
20 insurance policy, or any other insurance contract of this type in this state,
21 including a group insurance plan, a self-insurance plan, and the Office of Group
22 Benefits programs. "Health coverage plan" does not include a plan providing
23 coverage for excepted benefits as defined in R.S. 22:1061, limited benefit health
24 insurance plans, and short-term policies that have a term of less than twelve
25 months.

26 (2) "Licensed dietitian" or "licensed nutritionist" means a person
27 licensed to provide nutrition-related services pursuant to the Louisiana
28 Dietetics/Nutrition Practice Act of 1987, R.S. 37:3081 et seq.

29 §1059.5. Required coverage for lactation support services; reimbursement

1 **discrimination prohibited; definitions**

2 **A. The legislature hereby finds and affirms all of the following:**

3 **(1) Louisiana has one of the highest maternal and infant mortality rates**
4 **in the United States and has a compelling interest and obligation to promote**
5 **practices that improve maternal and infant health outcomes.**

6 **(2) Breastfeeding for all infants starting at birth and continuing until at**
7 **least six months of age has been recommended by the World Health**
8 **Organization and the American Academy of Pediatrics, and the health benefits**
9 **to infants and mothers have been demonstrated in many studies. Dedicated**
10 **lactation consultants may play a role in providing education and support to**
11 **pregnant women and new mothers to improve breastfeeding outcomes.**

12 **B.(1) Any health coverage plan delivered or issued for delivery in this**
13 **state that provides benefits for maternity services shall include coverage for**
14 **postpartum services provided by a qualified lactation care provider.**

15 **(2) The coverage provided for in this Section are considered as a**
16 **preventive benefit under the Affordable Care Act. A covered person who**
17 **utilizes this benefit shall not be subject to annual deductibles, coinsurance, and**
18 **copayments consistent with those established under the health coverage plan.**

19 **(3) A qualified lactation care provider shall be recognized as an**
20 **individual who has achieved and maintained his certification requirements for**
21 **a breastfeeding counselor, lactation consultant, certified breastfeeding**
22 **specialist, certified lactation counselor, certified lactation educator, or another**
23 **recognized certification from a program that is accredited by a nationally**
24 **recognized accreditation agency.**

25 **C. Terminology in any health coverage plan policy or contract deemed**
26 **discriminatory against a qualified lactation care provider or his services is void**
27 **and unenforceable.**

28 **D. For purposes of this Section, the following definitions apply:**

29 **(1) "Breastfeeding counselor" means an individual who is qualified to**

1 provide breastfeeding counseling, address normal breastfeeding in a healthy
2 term infant, and to conduct maternal and infant assessments of anatomy, latch,
3 and positioning, while providing support to the mother. A breastfeeding
4 counselor is certified by the International Board of Lactation Consultant
5 Examiners.

6 (2) "Certified lactation counselor" means an individual who has a
7 certification that indicates a foundational level of knowledge and competence
8 in lactation support and management. A certified lactation consultant is
9 certified by the International Board of Lactation Consultant Examiners.

10 (3) "Certified breastfeeding specialist" means an individual who has
11 been certified by a nationally recognized accreditation agency that signifies an
12 individual's specialized expertise in breastfeeding support. This certification
13 includes specialized knowledge and skills that are essential for supporting a
14 breastfeeding mother and her infant.

15 (4) "Certified lactation consultant" means an individual who is qualified
16 to provide breastfeeding counseling, address normal breastfeeding in a healthy
17 term infant, and to conduct maternal and infant assessments of anatomy, latch,
18 and positioning, while providing support to the mother and infant. A certified
19 lactation counselor is certified by the International Board of Lactation
20 Consultant Examiners.

21 (5) "Certified lactation educator" means an individual who is certified
22 by the Childbirth and Postpartum Professional Association. A certified lactation
23 educator provides education and support on breastfeeding basics, addressing
24 common challenges, and employing strategies to assist a breastfeeding mother
25 and infant.

26 (6) "Health coverage plan" means any hospital, health, or medical
27 expense insurance policy, hospital or medical service contract, employee welfare
28 benefit plan, contract, or other agreement with a health maintenance
29 organization or a preferred provider organization, health and accident

1 insurance policy, or any other insurance contract of this type in this state,
 2 including a group insurance plan, a self-insurance plan, and the Office of Group
 3 Benefits programs. "Health coverage plan" does not include a plan providing
 4 coverage for excepted benefits as defined in R.S. 22:1061, limited benefit health
 5 insurance plans, and short-term policies that have a term of less than twelve
 6 months.

7 (7) "Nationally recognized accreditation agency" means the National
 8 Commission for Certifying Agencies and the American National Standards
 9 Institute.

10 (8) "Qualified lactation care provider" means an individual who meets
 11 the certification requirements for a breastfeeding counselor, lactation
 12 consultant, certified breastfeeding specialist, certified lactation counselor,
 13 certified lactation educator, or another recognized certification from a program
 14 that is accredited by a nationally recognized accreditation agency.

15 Section 2. This Act shall apply to any new policy, contract, program, or health
 16 coverage plan issued on and after January 1, 2026. Any policy, contract, or health coverage
 17 plan in effect prior to January 1, 2026, shall convert to conform to the provisions of Section
 18 1 of this Act on or before the renewal date, but no later than January 1, 2027.

The original instrument was prepared by Brandi Cannon. The following digest, which does not constitute a part of the legislative instrument, was prepared by Beth O'Quin.

DIGEST

SB 300 Re-Reengrossed 2024 Regular Session Duplessis

Proposed law requires any health coverage plan delivered or issued for delivery in this state that provides benefits for maternity services to include coverage for the following healthcare services:

- (1) Nutrition counseling services provided by a licensed dietitian or licensed nutritionist in the first trimester of the pregnancy, regardless of whether there is a diagnosis of gestational diabetes or any other chronic health condition, when recommended by the treating healthcare provider.
- (2) Postpartum services provided by a qualified lactation care provider.

Proposed law provides that the nutrition counseling services may be subject to annual deductibles, coinsurance, and copayments.

Proposed law provides that the coverage for lactation services are considered a preventive benefit pursuant to federal law. Proposed law provides that such coverage is not subject to annual deductibles, coinsurance, and copayments.

Proposed law requires a qualified lactation care provider to achieve and maintain certain certification requirements from a nationally recognized accreditation agency.

Proposed law prohibits terminology in any health coverage plan policy or contract that is discriminatory against licensed dietitians, licensed nutritionists, lactation consultants, or their services.

Proposed law defines "breastfeeding counselor", "certified lactation counselor", "certified breastfeeding specialist", "certified lactation consultant", "certified lactation educator", "health coverage plan", "licensed dietitian", "licensed nutritionist", "nationally recognized accreditation agency", and "qualified lactation care provider".

Proposed law applies to any new policy, contract, program, or health coverage plan issued on and after Jan. 1, 2026, and requires any policy, contract, or health coverage plan in effect prior to Jan. 1, 2026, to conform to proposed law on or before the renewal date, but no later than Jan. 1, 2027.

Effective August 1, 2024.

(Adds R.S. 22:1059.4 and 1059.5)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Changes postpartum services from lactation consultant to qualified lactation care provider.
2. Adds definitions.
3. Adds requirements to be a qualified lactation care provider.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Corrects the name of the certifying entity for a qualified lactation care provider, breastfeeding counselor, and lactation consultant.
2. Removes the definition of "nationally recognized accreditation program".
3. Changes the application of proposed law to any new policy, contract, program, or health coverage plan issued on and after Jan. 1, 2026, and requires any policy, contract, or health coverage plan in effect prior to Jan. 1, 2026, to convert to conform to proposed law on or before the renewal date, but no later than Jan. 1, 2027.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to reengrossed bill

1. Specifies that lactation services are a preventive benefit pursuant to federal law.
2. Requires a qualified lactation care provider to achieve and maintain certain certification requirements from a nationally recognized accreditation agency.
3. Defines "certified lactation counselor", "certified breastfeeding specialist", "certified lactation consultant", "certified lactation educator", and "qualified lactation care provider".
4. Makes technical changes.