

1 State of Arkansas
2 95th General Assembly
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4

A Bill

HOUSE BILL 1333

5 By: Representatives Hudson, D. Garner, Bentley, A. Brown, K. Brown, Cavanaugh, Ennett, Gonzales
6 Worthen, J. Mayberry, McCullough, T. Shephard, Springer
7 By: Senator J. Scott
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For An Act To Be Entitled

10 AN ACT TO MANDATE COVERAGE FOR BREASTFEEDING AND
11 LACTATION CONSULTANT SERVICES; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14
15 TO MANDATE COVERAGE FOR BREASTFEEDING
16 AND LACTATION CONSULTANT SERVICES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 23, Chapter 79, is amended to add an
22 additional subchapter to read as follows:
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Subchapter 29 – Coverage for Breastfeeding and Lactation Consultants

23-79-2901. Definitions.

As used in this subchapter:

28 (1)(A) "Breastfeeding and lactation consultant" means a
29 healthcare provider for whom lactation counseling, education, or consultation
30 is within his or her scope of practice and who provides healthcare services
31 to an enrollee, including:

32 (i) A physician;

33 (ii) A nurse practitioner;

34 (iii) A physician assistant;

35 (iv) A certified nurse midwife;

36 (v) An occupational therapist; or



1 (vi) A physical therapist.

2 (B) "Breastfeeding and lactation consultant" also
 3 includes:

4 (i) An International Board Certified Lactation
 5 Consultant or Registered Lactation Counselor who has a Medicaid
 6 identification under the Arkansas Medicaid Program; and

7 (ii)(a) A certified lactation specialist, certified
 8 breastfeeding specialist, certified lactation counselor, or certified
 9 lactation educator.

10 (b) The individuals listed under subdivision
 11 (1)(B)(ii)(a) of this section are required to be supervised by a contracted
 12 and in-network healthcare provider to receive reimbursement;

13 (2) "Breastfeeding and lactation consultant services" means
 14 medically appropriate outpatient services provided by a breastfeeding and
 15 lactation consultant during pregnancy and through the extended postpartum
 16 period;

17 (3) "Enrollee" means an individual entitled to coverage of
 18 healthcare services from a healthcare insurer;

19 (4)(A) "Health benefit plan" means:

20 (i) An individual, blanket, or group plan or a
 21 policy or contract for healthcare services offered, issued, renewed,
 22 delivered, or extended in this state by a healthcare insurer; and

23 (ii) A health benefit program receiving state or
 24 federal appropriations from the State of Arkansas, including the Arkansas
 25 Medicaid Program and the Arkansas Health and Opportunity for Me Program
 26 established by the Arkansas Health and Opportunity for Me Act of 2021, § 23-
 27 61-1001 et seq.

28 (B) "Health benefit plan" includes:

29 (i) Indemnity and managed care plans; and

30 (ii) Plans providing health benefits to state and
 31 public school employees under § 21-5-401 et seq.

32 (C) "Health benefit plan" does not include:

33 (i) A plan that provides only dental benefits or eye
 34 and vision care benefits;

35 (ii) A disability income plan;

36 (iii) A credit insurance plan;

1 (iv) Insurance coverage issued as a supplement to
2 liability insurance;

3 (v) A medical payment under an automobile or
4 homeowners insurance plan;

5 (vi) A health benefit plan provided under Arkansas
6 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
7 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

8 (vii) A plan that provides only indemnity for
9 hospital confinement;

10 (viii) An accident-only plan;

11 (ix) A specified disease plan; or

12 (x) A long-term-care-only plan; and

13 (5)(A) "Healthcare insurer" means an entity subject to the
14 insurance laws of this state or the jurisdiction of the Insurance
15 Commissioner that contracts or offers to contract to provide health insurance
16 coverage, including without limitation an insurance company, a hospital and
17 medical service corporation, a health maintenance organization, a self-
18 insured governmental or church plan in this state, the Arkansas Medicaid
19 Program, or a nonprofit agricultural membership organization as defined in §
20 23-60-104.

21 (B) "Healthcare insurer" does not include an entity that
22 provides only dental benefits or eye and vision care benefits.

23
24 23-79-2902. Coverage for breastfeeding and lactation consultant
25 services.

26 (a) On and after January 1, 2026, a health benefit plan that is
27 offered, issued, renewed, delivered, or extended in this state shall provide
28 coverage for breastfeeding and lactation consultant services to an enrollee.

29 (b) The coverage for breastfeeding and lactation consultant services
30 under subsection (a) of this section:

31 (1) Is not subject to an annual deductible, copayment, or
32 coinsurance limit as established for other covered benefits under a health
33 benefit plan; and

34 (2) Does not diminish or limit benefits otherwise allowable
35 under a health benefit plan.

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1 23-79-2903. Rules.

2 (a) The Insurance Commissioner may develop and promulgate rules for
3 the implementation and administration of this subchapter.

4 (b) The Secretary of the Department of Human Services may develop and
5 promulgate rules for the implementation and administration of this subchapter
6 that may apply to the Arkansas Medicaid Program or the Arkansas Health and
7 Opportunity for Me Program established by the Arkansas Health and Opportunity
8 for Me Act of 2021, § 23-61-1001 et seq.

9 (c) The State Board of Finance may develop and promulgate rules for
10 the administration of this subchapter for the plans providing health benefits
11 to state and public school employees under § 21-5-401 et seq.

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