

2024 Regular Session

SENATE BILL NO. 300

BY SENATOR DUPLESSIS

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 may be subject to annual**
16 **deductibles, coinsurance, and copayments consistent with those established**
17 **under the health coverage plan.**

18 **(3) A qualified lactation care provider shall have achieved and**
19 **maintained his certification as a breastfeeding counselor as provided by the**
20 **Academy of Lactation Policy and Practice or as a lactation consultant, as**
21 **provided by the International Board of Lactation Consultant Examiners.**

22 **C. Terminology in any health coverage plan policy or contract deemed**
23 **discriminatory against lactation consultants or their services is void and**
24 **unenforceable.**

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

26 **(1) "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 (2) "Breastfeeding counselor" means an individual who is qualified to
8 provide breastfeeding counseling, address normal breastfeeding in a healthy
9 term infant, and to conduct maternal and infant assessments of anatomy, latch,
10 and positioning, while providing support to the mother. A breastfeeding
11 counselor is certified by the Academy of Lactation Policy and Practice.

12 (3) "Lactation consultant" means an individual who is qualified to
13 provide breastfeeding counseling, address normal breastfeeding in a healthy
14 term infant, and to conduct maternal and infant assessments of anatomy, latch,
15 and positioning, while providing support to the mother. A lactation consultant
16 is certified by the International Board of Lactation Consultant Examiners to
17 address the full range of breastfeeding care, particularly involving high acuity
18 breastfeeding situations.

19 (4) "Nationally recognized accreditation agency" means the National
20 Commission for Certifying Agencies and the American National Standards
21 Institute.

22 (5) "Qualified lactation care provider" means an individual who is
23 certified as a breastfeeding counselor or lactation consultant from a certification
24 program that is accredited by a nationally recognized accreditation agency.

25 Section 2. This Act shall apply to any new policy, contract, program, or health
26 coverage plan issued on and after January 1, 2026. Any policy, contract, or health coverage
27 plan in effect prior to January 1, 2026, shall convert to conform to the provisions of Section
28 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 Curry J. Lann.

DIGEST

SB 300 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 required coverage may be subject to annual deductibles, coinsurance, and copayments consistent with the terms of the health coverage plan.

Proposed law requires a qualified lactation care provider to achieve and maintain certification as a breastfeeding counselor by the Academy of Lactation Policy and Practice or as a lactation consultant by the International Board of Lactation Consultant Examiners.

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", "health coverage plan", "lactation consultant", "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.