

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas As Engrossed: H2/3/25 H3/12/25 H3/13/25 H3/20/25 S4/2/25

95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1333

By: Representatives Hudson, D. Garner, Bentley, A. Brown, K. Brown, Cavanaugh, Ennett, Gonzales
Worthen, J. Mayberry, McCullough, T. Shephard, Springer, Clowney

By: Senators J. Scott, *Irvin*

For An Act To Be Entitled

AN ACT TO MANDATE COVERAGE FOR BREASTFEEDING AND
LACTATION CONSULTANT SERVICES; AND FOR OTHER
PURPOSES.

Subtitle

TO MANDATE COVERAGE FOR BREASTFEEDING
AND LACTATION CONSULTANT SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 23, Chapter 79, is amended to add an additional subchapter to read as follows:

Subchapter 29 – Coverage for Breastfeeding and Lactation Consultants

23-79-2901. Definitions.

As used in this subchapter:

(1)(A) "Breastfeeding and lactation consultant" means:

(i) An International Board Certified Lactation
Consultant; and

(ii)(a) A certified lactation counselor.

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

(B) The Arkansas Medicaid Program shall reimburse the
individuals listed under subdivision (1)(A) of this section for breastfeeding



and lactation consulting services if the individuals:

(i) Have a Medicaid number; or

(ii) Are otherwise compliant with all requirements for reimbursement under the Arkansas Medicaid Program; (2)

"Breastfeeding and lactation consultant services" means medically appropriate outpatient services or hospital services, or both, provided by a breastfeeding and lactation consultant during pregnancy and through the extended postpartum period to aid in milk expression or infant nutrition;

(3)(A) "Enrollee" means an individual entitled to coverage of healthcare services from a healthcare insurer.

(B) "Enrollee" includes a minor child;

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

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

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

(B) "Health benefit plan" includes:

(i) Indemnity and managed care plans; and

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

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

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

(ii) A disability income plan;

(iii) A credit insurance plan;

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

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

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

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

(viii) An accident-only plan;

(ix) A specified disease plan; or

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

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

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

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

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

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

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

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

23-79-2903. Rules.

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

(b) The Secretary of the Department of Human Services may develop and promulgate rules for the implementation and administration of this subchapter that may apply to the Arkansas Medicaid Program or the Arkansas Health and

Opportunity for Me Program established by the Arkansas Health and Opportunity for Me Act of 2021, § 23-61-1001 et seq.

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

/s/Hudson