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To: Public and Private Insurers Subject to Massachusetts General Law c 176B § 4YY and Perinatal Health Care Providers
From: Massachusetts Department of Public Health
Subject: Guidelines for the Use of Donor Human Milk and Donor Human Milk-Derived Products
Date: July 23, 2025

The purpose of this guidance is to establish the quality guidelines for human milk banks and the appropriate congenital or acquired conditions that may benefit from the use of such human breast milk. This guidance is intended for public and private insurers determining coverage policies for donor human milk and/or human milk-derived products, as well as perinatal health care providers.

Background:

Massachusetts law, G.L. c 176B § 4YY, requires insurance coverage for medically necessary pasteurized donor human milk and donor human milk-derived products for infants provided that:

- the milk is obtained from a human milk bank that meets quality guidelines established by the department of public health;
- a licensed medical practitioner has issued a written order for the provision of such human breast milk or donor human milk-derived products for the covered infant; and
- the covered infant is:
 1. under the age of 6 months;
 2. undergoing treatment in an inpatient setting for a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis or a congenital or acquired condition that may benefit from the use of such human breast milk as determined by the department of public health; and
 3. medically or physically unable to receive maternal breast milk or participate in breastfeeding or whose mother is medically or physically unable, despite receiving lactation support, to produce maternal breast milk in sufficient quantities or caloric density.

Quality Guidelines for Human Milk Banks and Human Milk-Derived Products:

For individuals seeking human donor milk for their infant, donor milk must be obtained from a human milk bank that maintains a current accreditation by the Human Milk Banking Association of

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North America's Quality Standards and is in compliance with all applicable law, including but not limited to any licensure requirements.

Manufacturers of specialty infant nutrition products that are human donor milk-derived must be in compliance with all applicable law including but not limited to any licensure requirements.

Infant Conditions:

Infants with the following congenital or acquired conditions may benefit from the use of human donor milk and/or donor human milk-derived products:

- birth weight less than 1,500 grams
- prematurity (under 34 weeks)
- malabsorption syndrome
- feeding intolerance/allergy
- congenital heart disease
- digestive malformations
- infant hypoglycemia
- immunologic deficiency
- current or future recipient of an organ transplant
- sepsis
- other congenital or acquired condition associated with necrotizing enterocolitis (NEC) or other gastrointestinal infection

In an effort to maximize the opportunity to transition back to mother's own milk when appropriate, the provision of donor milk should be done in the context of ongoing, skilled lactation care and support (unless medically contraindicated).

These Guidelines may be updated should new evidence-based guidance emerge from expert organizations, such as the American Academy of Pediatrics.

References:

Mass. General Laws c. 176G § 4YY Coverage for medically necessary pasteurized donor human milk and milk-derived products. <https://malegislature.gov/Bills/193/S696> Mass. General Laws c.176G § 4QQ | Mass.gov Accessed December 19, 2024

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American Academy of Pediatrics. (2017). Donor human milk for the high-risk infant: Preparation, safety, and usage options in the United States. *Pediatrics*, 139(1). doi: 10.1542/peds.2016-3440. <https://publications.aap.org/pediatrics/article/139/1/e20163440/52000/Donor-Human-Milk-for-the-High-Risk-Infant>

Human Milk Banking Association of North America. (2024). HMBANA Standards for Donor Human Milk Banking: An Overview. https://www.hmbana.org/file_download/inline/c4bd9e2e-4257-4441-a93a-94cc7647b304.