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April 10, 2026

RE: AN ACT to amend the insurance law,
in relation to requiring insurance
coverage for lactation support
services

A.4677-B (Jackson)
S.1670-B (Salazar)

MEMORANDUM IN OPPOSITION

Submitted on behalf of the Blue Cross and Blue Shield Plans

The New York State Conference of Blue Cross and Blue Shield Plans opposes the enactment of this legislation, which would mandate that private health insurance include coverage for outpatient comprehensive lactation support services, including services provided by a lactation consultant. While the benefits of breastfeeding are well established, the coverage required by this bill is unnecessarily duplicative in light of current Insurance Law requirements in New York State.

New York's Insurance Law maternity mandate currently requires Plans to provide coverage for "parent education and assistance and training in breast or bottle feeding while the mother is receiving inpatient care."¹ Additionally, the Affordable Care Act ("ACA") requires non-grandfathered Health Plans to cover to cover preventive care and screenings, including those with an "A" or "B" rating from the United States Preventive Services Task Force ("USPSTF"), and, for women, evidence-based care and screenings as set forth in guidelines by the Health Resources and Services Administration ("HRSA").

The USPSTF currently recommends providing interventions during pregnancy and after birth to support breastfeeding, and gives the service a "B" grade.² Likewise, the Women's Preventive Services Initiative ("WPSI"), a cooperative of the HRSA, currently recommends "comprehensive lactation support services (including consultation, counseling, education, and breastfeeding

¹ Insurance Law §§ 3216(i)(10)(A)(ii), 3221(k)(5)(A)(ii), and 4303(c)(1)(B)

² Breastfeeding: Primary Care Behavioral Counseling Interventions, USPSTF, *available at*:
<https://www.uspreventiveservicestaskforce.org/uspstf/recommendation/breastfeeding-primary-care-interventions>

equipment and supplies) during the antenatal, perinatal, and postpartum period to optimize the successful initiation and maintenance of breastfeeding.”³

These laws and recommendations have long been interpreted by the State to require Health Plans to cover comprehensive lactation support and counseling and breastfeeding equipment and supplies.⁴ Duplicative coverage will add costs to an already overburdened health care system, without any additional benefit for enrollees. This legislation’s redundancy will promote overutilization and wasted health care dollars – a cost that will ultimately be borne by New York residents through higher premium costs.

For all of the forgoing reasons, the New York State Conference of Blue Cross and Blue Shield Plans opposes the enactment of this legislation.

Respectfully submitted,

HINMAN STRAUB ADVISORS, LLC
Legislative Counsel for the Blue Cross and Blue Shield Plans

³ Updated HRSA-supported Women’s Preventive Services Guidelines: Well-Women Preventive Visits, Counseling for Sexually Transmitted Infections, and Breastfeeding Services and Supplies, *available at*: <https://public-inspection.federalregister.gov/2021-17826.pdf#:~:text=Breastfeeding%20Services%20and%20Supplies%20The%20>

⁴ Insurance Circular Letter No. 5 (2018), New York State Department of Financial Services, *available at*: https://www.dfs.ny.gov/industry_guidance/circular_letters/cl2018_05