**South Carolina General Assembly**

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**S. 42**

**STATUS INFORMATION**

General Bill

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Currently residing in the Senate Committee on **Banking and Insurance**

Summary: Insurance coverage for lactation services and doula services

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/11/2024 Senate Prefiled

 12/11/2024 Senate Referred to Committee on **Banking and Insurance**

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=42&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/42_20241211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38‑71‑285 SO AS TO PROVIDE HEALTH INSURANCE PLANS MUST PROVIDE COVERAGE FOR LACTATION CONSULTING BY CERTIFIED LACTATION CONSULTANTS, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 38‑71‑286 SO AS TO PROVIDE HEALTH INSURANCE PLANS MUST PROVIDE COVERAGE FOR DOULA SERVICES BY CERTIFIED DOULAS, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 44‑6‑230 SO AS TO PROVIDE MEDICAID HEALTH PLANS MUST PROVIDE COVERAGE FOR CERTIFIED LACTATION CONSULTING BY CERTIFIED LACTATION CONSULTANTS, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 44‑6‑230 SO AS TO PROVIDE MEDICAID HEALTH PLANS MUST PROVIDE COVERAGE FOR DOULA SERVICES BY CERTIFIED DOULAS, AND TO DEFINE NECESSARY TERMS; AND TO SPECIFY THAT THE PROVISIONS OF THIS ACT APPLY TO EVERY MEDICAID HEALTH PLAN, EVERY INDIVIDUAL OR GROUP HEALTH INSURANCE CONTRACT, AND EVERY INDIVIDUAL OR GROUP HOSPITAL OR MEDICAL EXPENSE INSURANCE POLICY, PLAN, OR GROUP POLICY DELIVERED, ISSUED FOR DELIVERY, OR RENEWED IN THIS STATE ON OR AFTER JANUARY 1, 2026.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 71, Title 38 of the S.C. Code is amended by adding:

 Section 38‑71‑285. (A) As used in this section:

 (1) “Lactation consultant” means a person who is certified by an entity that:

 (a) establishes a clear scope of practice for lactation consultants;

 (b) upholds a code of ethics for lactation consultants; and

 (c) provides consumer protection by offering a clear path for filing complaints with the certifying body.

 (2) “Lactation consulting” means the application of scientific principles and a multidisciplinary body of evidence for evaluation, problem identification, treatment, education, and consultation to families regarding the course of lactation and feeding within an individual’s scope of practice, including, but not limited to:

 (a) taking maternal, child, and feeding histories;

 (b) performing assessments related to breastfeeding and human lactation through the systematic collection of subjective and objective information;

 (c) analyzing data;

 (d) developing a lactation management and child feeding plan with demonstration and instruction to parents;

 (e) providing lactation and feeding education;

 (f)  recommending and training on the use of assistive devices;

 (g) communicating to the primary healthcare practitioners and referring to other healthcare practitioners, as needed;

 (h) conducting appropriate follow‑up with evaluation of outcomes; and

 (i) documenting the encounter in a patient record.

 (3) “Insurer” means an insurance company, a health maintenance organization, and any other entity providing health insurance coverage, as defined in Section 38‑71‑670(6), which is licensed to engage in the business of insurance in this State and which is subject to state insurance regulation.

 (4) “Health maintenance organization” means an organization as defined in Section 38‑33‑20(8).

 (5) “Health insurance plan” means a group health insurance policy or group health benefit plan offered by an insurer, including the State Health Plan.

 (6) “State Health Plan” means the employee and retiree insurance program provided for in Article 5, Chapter 11, Title 1.

 (B) A health insurance plan must provide coverage for lactation consulting provided by certified lactation consultants. This coverage must provide the following services to the mother, the child, and any other individual involved who may be lactating:

 (1) inpatient and outpatient treatment rendered by lactation consultants, including treatment by lactation consultants who operate independently of physician offices and hospitals; and

 (2) all visits to address conditions related to lactation and feeding.

SECTION 2. Article 1, Chapter 71, Title 38 of the S.C. Code is amended by adding:

 Section 38‑71‑286. (A) As used in this section:

 (1) “Doula” or “certified doula” means a person who is certified by an entity that:

 (a) establishes a clear scope of practice for doulas;

 (b) upholds a code of ethics for doulas; and

 (c) provides consumer protection by offering a clear path for filing complaints with the certifying body.

 (2) “Doula services” means the following services that may be provided by a certified doula and specifically excludes any service that constitutes the practice of medicine as defined in Section 40‑47‑20:

 (a) services to support pregnant mothers and people, improve birth outcomes, and support new mothers and families with culturally specific antepartum, intrapartum, and postpartum services, referrals, and advocacy;

 (b) advocating for and supporting physiological birth, breastfeeding, and parenting for their client;

 (c) supporting the antepartum, intrapartum, and postpartum period with traditional comfort measures and educational materials, as well as assistance during the transition to parenthood in the initial postpartum period through home visits;

 (d) empowering individuals and families with evidenced‑based information to choose best practices for birth, breastfeeding, and infant care;

 (e) providing continuous support to the laboring individual until the birth of the baby at any location of delivery;

 (f) referring clients to their appropriate provider for medical advice for care outside of the doula’s scope of practice;

 (g) working as a member of the individual’s multidisciplinary team; and

 (h) offering evidence‑based information on newborn and infant feeding, emotional and physical recovery from childbirth, and other issues related to the antepartum, intrapartum, and postpartum period.

 (3) “Health maintenance organization” means an organization as defined in Section 38‑33‑20(8).

 (4) “Health insurance plan” means a group health insurance policy or group health benefit plan offered by an insurer, including the State Health Plan.

 (5) “State Health Plan” means the employee and retiree insurance program provided for in Article 5, Chapter 11, Title 1.

 (B) A health insurance plan must provide coverage for doula services provided by certified doulas. This coverage must include the mother and child and must provide:

 (1) in‑clinic and in‑home services rendered by doulas, including treatment by doulas who operate independently of physician offices and hospitals; and

 (2) all doula services in the antepartum period, the intrapartum period, and the first twelve months of the postpartum period.

SECTION 3. Article 1, Chapter 6, Title 44 of the S.C. Code is amended by adding:

 Section 44‑6‑230. (A) The Department of Health and Human Services shall require that all Medicaid health plans include coverage for lactation consulting services provided by certified lactation consultants. This coverage must include, but is not limited to, lactation consultations, breastfeeding support services, and the necessary supplies for successful breastfeeding, such as breast pumps and their accessories, unless the prescribing provider or the patient requests a different course of care. Contracts with managed care plans must allow for in‑home or clinic‑based lactation support if available. The department shall ensure that coverage and services are provided in accordance with clinical guidelines that promote the health of the mother and child while maximizing access to effective lactation services for the mother, the child, and any other individual involved who may be lactating.

 (B) For purposes of this section, the term:

 (1) “Lactation consultant” has the same meaning as in Section 38‑71‑285(1).

 (2) “Lactation consulting” has the same meaning as in Section 38‑71‑285(2).

SECTION 4. Article 1, Chapter 6, Title 44 of the S.C. Code is amended by adding:

 Section 44‑6‑240. (A) The Department of Health and Human Services shall require that all Medicaid health plans include coverage for doula services provided by certified doulas in the antepartum period, the intrapartum period, and the first twelve months of the postpartum period. This coverage must include all doula services. Contracts with managed care plans must allow for in‑home or clinic‑based doula support if available. The department shall ensure that coverage and services are provided in accordance with clinical guidelines that promote the health of the mother and child while maximizing access to effective doula services.

 (B) For purposes of this section:

 (1) “Doula” has the same meaning as in Section 38‑71‑286(A)(1).

 (2) “Doula services” has the same meaning as in Section 38‑71‑286(2).

SECTION 5. The provisions of this act apply to every Medicaid health plan, every individual or group health insurance contract, and every individual or group hospital or medical expense insurance policy, plan, or group policy delivered, issued for delivery, or renewed in this State on or after January 1, 2026.

SECTION 6. This act takes effect upon approval by the Governor.

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