

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4733

**FISCAL
NOTE**

By Delegate Young

[Introduced January 22, 2026; referred to the

Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §33-57-2, relating to mandating coverage for breastfeeding and lactation
3 consultants; defining terms; and authorizing a state plan amendment.

Be it enacted by the Legislature of West Virginia:

ARTICLE 57. REQUIRED COVERAGE FOR HEALTH INSURANCE.

§33-57-2. Coverage for breastfeeding and lactation consultants.

1 (a) Definitions. – For the purposes of this section, these definitions are applicable unless a
2 different meaning clearly appears from the context.:

3 "Breastfeeding and lactation consultant" means:

4 (1) An International Board Certified Lactation Consultant; and
5 (2) A certified lactation counselor.

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

10 "Enrollee" means an individual entitled to coverage of healthcare services from a
11 healthcare insurer and includes a minor child.

12 "Health benefit plan" means:

13 (1) An individual, blanket, or group plan or a policy or contract for healthcare services
14 offered, issued, renewed, delivered, or extended in this state by a healthcare insurer; and
15 (2) A health benefit program receiving state or federal appropriations from the state,
16 including Medicaid and the Children's Health Insurance Program.

17 (3) Health benefit plan includes:

18 (i) Indemnity and managed care plans; and
19 (ii) Plans from the Public Employees Insurance Agency.

20 (4) Health benefit plan does not include:

- 21 (i) A plan that provides only dental benefits or eye and vision care benefits;
- 22 (ii) A disability income plan;
- 23 (iii) A credit insurance plan;
- 24 (iv) Insurance coverage issued as a supplement to liability insurance;
- 25 (v) A medical payment under an automobile or homeowners insurance plan;
- 26 (vi) A plan that provides only indemnity for hospital confinement;
- 27 (vii) An accident-only plan;
- 28 (viii) A specified disease plan; or
- 29 (ix) A long-term-care-only plan.

30 "Healthcare insurer" means an entity subject to the insurance laws of this state or the
31 jurisdiction of the Insurance Commissioner that contracts or offers to contract to provide health
32 insurance coverage, including without limitation an insurance company, a hospital and medical
33 service corporation, a health maintenance organization, a self-insured governmental or church
34 plan in this state, and the West Virginia Medicaid Program.

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

37 (b) Coverage for breastfeeding and lactation consultant services. – On and after January 1,
38 2026, a health benefit plan that is offered, issued, renewed, delivered, or extended in this state
39 shall provide coverage for breastfeeding and lactation consultant services in an outpatient setting
40 to an enrollee.

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

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

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

46 For the purposes of this article, these definitions are applicable unless a different meaning clearly

47 appears from the context.

48 (d) Supervision requirement. – A certified lactation counselor is required to be supervised
49 by a contracted and in-network healthcare provider to receive reimbursement.

50 (e) The West Virginia Medicaid Program shall reimburse the breastfeeding and lactation
51 consult if the individuals:

52 (1) Have a Medicaid number; or

53 (2) Are otherwise compliant with all requirements for reimbursement under the West
54 Virginia Medicaid Program;

55 (f) Authorization to file a state plan amendment. – To the extent necessary, the Bureau for
56 Medical Services shall file a state plan amendment on or before January 1, 2027 to extend
57 coverage for breastfeeding and lactation consultant services.

NOTE: The purpose of this bill is to mandate coverage for breastfeeding and lactation consultant services.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.