



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: Standards for donor human milk | Policy Number: OHSC DM-1.1

Issuing Entity: Department of Health

Subject Matter: Standards for Donor Human Milk. The Department of Health added a definition to and clarified a reference in the policy addressing donor human milk obtained from a milk bank. The Department has amended this policy for the purposes of ensuring inclusion of donor milk provided by remunerated donors and ensuring inclusive language use.

Effective Date: January 1, 2023

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

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Department of Health
Division of Prevention & Community Health
Policy Statement

Revised – 10/18/11

<i>Title:</i>	Standards for Donor Human Milk	<i>Number:</i> OHSC DM-1.1
<i>References:</i>	RCW 43.70.645; HMBANA Public Standards 2020; RCW 48.43.815, RCW 48.43.005	
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<i>Effective Date:</i>	January 1, 2023	
<i>Supersedes:</i>	OHSC DM-1 January 1, 2023	
<i>Approved By:</i>	Michele Roberts, Assistant Secretary	

OHSC DM-1 is being amended for the purposes of ensuring inclusion of donor milk provided by remunerated donors and ensuring inclusive language use.

Except as expressly provided for in this Policy Statement, donor human milk for inpatient use must be obtained from a milk bank that meets or exceeds the nationally accredited standards issued by the Human Milk Banking Association of America (HMBANA).¹

In 2022 the Legislature enacted engrossed Second Substitute Senate Bill (E2SSB) 5702. The new law, codified in RCW 48.43.815, requires health benefit plans offered by health carriers as defined in RCW 48.43.005 to provide coverage for donor human milk that meets safety standards established by the Washington State Department of Health (Department) for inpatient use beginning January 1, 2023.

Given that donor human milk is a valuable resource to infants only if its safety is ensured, the Department does not wish to rush adoption of permanent safety standards. Instead, this policy statement is intended to provide guidance consistent with RCW 43.70.645 to donor milk banks and insurance carriers until the Department adopts permanent rules. Currently there are no milk banks located in Washington state. As such, this policy statement serves as the milk bank safety standards established by the Department for inpatient use for the purpose of RCW 43.70.645 and RCW 48.43.815. A milk bank that meets or exceeds the nationally accredited standards issued by HMBANA is presumed to have met the Department’s milk bank safety guidelines. References in the HMBANA standards to “woman” should be read as “person” for the purpose of this Policy Statement.

For the purposes of this policy statement, the following definitions apply and supersede any similar or equivalent definition contained in the HMBANA standards:

- “Donor” means a healthy lactating person who voluntarily donates milk, irrespective of

whether or not that person receives remuneration for their donation.

- “Donor Human Milk” means human milk that has been contributed to a milk bank by one or more donors.
- “Milk Bank” means an organization that engages in the procurement, processing, storage, distribution, or use of human milk contributed by donors.

Nothing in this policy statement shall be read or construed to conflict with RCW 48.43.815, state, or federal law. In the event any language in this policy statement, either implicit or explicit conflicts with state or federal law, the conflicting state or federal law (including RCW 48.43.916 and related sections) shall prevail in order of statutory authority.

¹ [Microsoft Word - HMBANA Public Standards 2020 Version 1.0.docx](#)