

119TH CONGRESS
2D SESSION

S. _____

To amend title XIX of the Social Security Act to provide coverage under the Medicaid program for services provided by doulas, midwives, and lactation support providers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. WARREN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title XIX of the Social Security Act to provide coverage under the Medicaid program for services provided by doulas, midwives, and lactation support providers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mamas First Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) According to the Centers for Disease Con-
8 trol and Prevention, the maternal mortality rate var-

1 ies drastically for women by race and ethnicity. On
2 average, there are 13.6 deaths per 100,000 live
3 births for White women, 45 deaths per 100,000 live
4 births for Black women, and 13.9 deaths per
5 100,000 live births for Hispanic women. For Amer-
6 ican Indian and Alaskan Native women, the Na-
7 tional Council of Urban Indian Health estimates
8 there are 54.6 deaths per 100,000 live births. While
9 maternal mortality most disparately impacts Black
10 women and Indigenous women, this urgent public
11 health crisis traverses race, ethnicity, socioeconomic
12 status, educational background, and geography.

13 (2) United States maternal mortality rates are
14 the highest among similarly economically situated
15 countries and continue to increase.

16 (3) Four out of 5 of these maternal deaths are
17 likely preventable.

18 (4) According to the National Institutes of
19 Health, individuals who have doula support during
20 their pregnancy are 4 times less likely to have a low-
21 birth-weight baby, 2 times less likely to experience a
22 birth complication involving themselves or their
23 baby, and significantly more likely to initiate
24 breastfeeding.

1 (5) Midwifery-led care is associated with cost
2 savings, decreased rates of intervention, lower rates
3 of cesarean birth, lower preterm birth rates, and
4 healthier outcomes for mothers and babies.

5 (6) Midwives may practice in any setting, in-
6 cluding the home, community, hospitals, birth cen-
7 ters, clinics, or health units.

8 **SEC. 3. MEDICAID COVERAGE OF SERVICES PROVIDED BY**
9 **DOULAS, MIDWIVES, AND LACTATION SUP-**
10 **PORT PROVIDERS.**

11 (a) IN GENERAL.—Section 1905 of the Social Secu-
12 rity Act (42 U.S.C. 1396d) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (31), by striking “and”
15 at the end;

16 (B) by redesignating paragraph (32) as
17 paragraph (33); and

18 (C) by inserting after paragraph (31) the
19 following new paragraph:

20 “(32) services and care, including prenatal,
21 labor, and postpartum care, that is provided in a
22 culturally congruent manner by doulas, midwives,
23 tribal midwives, and lactation support providers (as
24 those terms are defined in subsection (ll)), that is
25 provided in the home, community, a hospital, birth

1 center, clinic, or health unit, or is furnished via tele-
2 health to the extent authorized under State law;
3 and”; and

4 (2) by adding at the end the following:

5 “(II) DOULAS, MIDWIVES, TRIBAL MIDWIVES, AND
6 LACTATION SUPPORT PROVIDERS DEFINED.—For pur-
7 poses of subsection (a)(32):

8 “(1) DOULA DEFINED.—The term ‘doula’
9 means an individual who—

10 “(A)(i) is certified by an organization
11 which requires the completion of continuing
12 education to maintain such certification, to pro-
13 vide non-medical advice, information, emotional
14 support, and physical comfort to an individual
15 during such individual’s pregnancy, childbirth,
16 and postpartum period; and

17 “(ii) maintains such certification by com-
18 pleting such required continuing education;

19 “(B) can provide a recommendation from
20 at least—

21 “(i) three different former clients for
22 whom the prospective doula provided doula
23 services (either paid or volunteer) within
24 the last 5 years; or

1 “(ii) two different licensed health care
2 providers (including physicians, midwives,
3 social workers, or nurses) who observed the
4 prospective doula providing doula services
5 within the last 5 years; or

6 “(C) is authorized to serve as a Medicaid
7 provider of doula services under the State plan
8 under this title (or a waiver of such plan) of the
9 individual’s State.

10 “(2) MIDWIFE DEFINED.—The term ‘midwife’
11 means a midwife who—

12 “(A) is authorized to serve as a Medicaid
13 provider of midwife services under the State
14 plan under this title (or a waiver of such plan)
15 of the individual’s State; or

16 “(B) meets at a minimum the inter-
17 national definition of the midwife and global
18 standards for midwifery education as estab-
19 lished by the International Confederation of
20 Midwives.

21 “(3) TRIBAL MIDWIFE DEFINED.—The term
22 ‘tribal midwife’ means an individual who—

23 “(A) is authorized to serve as a Medicaid
24 provider of tribal midwife services under the

1 State plan under this title (or a waiver of such
2 plan) of the individual's State; or

3 “(B) is recognized by an Indian tribe (as
4 defined in section 4 of the Indian Health Care
5 Improvement Act (25 U.S.C. 1603)) to practice
6 midwifery for such tribe.

7 “(4) LACTATION SUPPORT PROVIDER DE-
8 FINED.—The term ‘lactation support provider’
9 means an individual who—

10 “(A) is authorized to serve as a Medicaid
11 provider of lactation support services under the
12 State plan under this title (or a waiver of such
13 plan) of the individual's State;

14 “(B) has completed at least 20 hours of
15 foundational training based on the World
16 Health Organization/United Nations Children's
17 Fund lactation counseling training blueprint, or
18 an equivalent training; or

19 “(C) is recognized within any category on
20 the Lactation Support Provider Descriptor
21 chart published by the U.S. Breastfeeding Com-
22 mittee-affiliated Lactation Support Provider
23 Constellation.”.

24 (b) REQUIRING MANDATORY COVERAGE UNDER
25 STATE PLAN.—Section 1902(a)(10)(A) of the Social Se-

1 security Act (42 U.S.C. 1396a(a)(10)(A)) is amended, in the
2 matter preceding clause (i), by striking “and (30)” and
3 inserting “(30), and (32)”.

4 (c) COST SHARING PROHIBITION.—Title XIX of the
5 Social Security Act (42 U.S.C. 1396 et seq.) is amended—

6 (1) in subsections (a)(2)(B) and (b)(2)(B) of
7 section 1916 (42 U.S.C. 1396o(a)(2)(B), (b)(2)(B)),
8 by inserting after the comma at the end “and serv-
9 ices and care (including prenatal, labor, and
10 postpartum care) provided by a doula, midwife, trib-
11 al midwife, or lactation support provider (as those
12 terms are defined in section 1905(ll)),”; and

13 (2) in section 1916A(b)(3)(B)(iii) (42 U.S.C.
14 1396o–1(b)(3)(B)(iii)), by inserting before the pe-
15 riod at the end “, and services and care (including
16 prenatal, labor, and postpartum care) provided by a
17 doula, midwife, tribal midwife, or lactation support
18 provider (as those terms are defined in section
19 1905(ll))”.

20 (d) EFFECTIVE DATE.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 the amendments made by this section shall apply
23 with respect to medical assistance furnished on or
24 after January 1, 2027.

1 (2) EXCEPTION FOR STATE LEGISLATION.—In
2 the case of a State plan under title XIX of the So-
3 cial Security Act (42 U.S.C. 1396 et seq.) that the
4 Secretary of Health and Human Services determines
5 requires State legislation in order for the respective
6 plan to meet any requirement imposed by amend-
7 ments made by this section, the respective plan shall
8 not be regarded as failing to comply with the re-
9 quirements of such title solely on the basis of its
10 failure to meet such an additional requirement be-
11 fore the first day of the first calendar quarter begin-
12 ning after the close of the first regular session of the
13 State legislature that begins after the date of the en-
14 actment of this Act. For purposes of the previous
15 sentence, in the case of a State that has a 2-year
16 legislative session, each year of the session shall be
17 considered to be a separate regular session of the
18 State legislature.