

HOUSE BILL 3704

By Towns

AN ACT to amend Tennessee Code Annotated, Title 68,  
Chapter 1, relative to the sale of human breast  
milk.

WHEREAS, breast milk is a superior means of providing nourishment and immunological and developmental benefits to infants; and

WHEREAS, research indicates that breast milk lessens the risk or severity of disease and viruses-related illnesses; and

WHEREAS, the improper processing, storing or distribution of human milk may transfer infectious diseases such as AIDS; and

WHEREAS, a market for unscreened breast milk has developed, potentially exposing purchasers or their children to health risks; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, is amended by adding Sections 2 through 3 as a new part thereto.

SECTION 2. It is an offense to sell, barter or trade for compensation human breast milk. A violation of this section is a Class C misdemeanor.

SECTION 3. The provisions of this act shall not apply to breast milk banks or to health care facilities that screen breast milk before it is delivered to the recipient, or to the storing or distribution of breast milk collected from a mother exclusively for her own child.

SECTION 4. This act shall take effect July 1, 2010, the public welfare requiring it.