

# HOUSE BILL No. 4206

February 17, 2015, Introduced by Reps. Geiss, Garrett, Darany, Chang, Durhal, LaVoy, Love, Santana, Sarah Roberts, Faris, Brinks, Banks, Callton, Gay-Dagnogo and Moss and referred to the Committee on Health Policy.

A bill to require human breast milk banks, companies, and cooperatives to comply with certain standards; to provide for education and support of certain breastfeeding mothers; and to prescribe the powers and duties of certain state departments.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec 1. As used in this act:

2           (a) "Department" means the department of community health or a  
3           successor agency.

4           (b) "Hospital" means that term as defined in section 5883 of  
5           the public health code, 1978 PA 368, MCL 333.5883.

6           Sec. 2. (1) Procuring, processing, storing, distributing, or  
7           using human milk for the purpose of infant human consumption from a  
8           nonprofit human breast milk bank is a rendering of a service and

1 not the sale of human milk for profit or financial gain.

2 (2) A hospital or organization that collects, processes,  
3 stores, or distributes human milk either from a mother exclusively  
4 for her own child or from a mother to nourish a child other than  
5 her own shall comply with the standards, ethical practices, and  
6 guidelines for collecting, processing, storing, or distributing  
7 human milk of the Human Milk Banking Association of North America  
8 unless the department of community health approves alternate  
9 standards.

10 (3) No screening test is required to be performed on human  
11 milk collected from a mother exclusively for her own child.

12 Sec. 3. A for-profit human breast milk bank, company, or  
13 cooperative that provides financial compensation or shares in stock  
14 for procuring, processing, distributing, or using human milk for  
15 the purpose of human consumption must comply with the Human Milk  
16 Banking Association of North America or more stringent guidelines  
17 for safe procurement, processing, storing, or distributing of human  
18 breast milk.

19 Sec. 4. (1) A for-profit human breast milk bank, company, or  
20 cooperative working with breastfeeding mothers in this state can  
21 only accept milk from a mother who is at least 180 days postpartum.

22 (2) A for-profit human breast milk bank, company, or  
23 cooperative operating in this state cannot remit payment to a  
24 participating mother until at least 28 days after receipt and  
25 acceptance of the expressed human breast milk.

26 Sec. 5. A for-profit human breast milk bank, company, or  
27 cooperative shall work with local, community-based lactation

1 support groups to provide ongoing breastfeeding education and  
2 lactation support for its participating mothers to ensure that the  
3 needs of the nursing children of participating mothers are the  
4 priority and are adequately nourished by the mother's own breast  
5 milk.

6       Sec. 6. A for-profit human breast milk bank, company, or  
7 cooperative operating in this state shall ensure that, at a  
8 minimum, 50% of the human breast milk produced by participating  
9 mothers in a specific locality is distributed to hospitals in this  
10 state for the hospital's neonatal intensive care unit or to local  
11 nonprofit human milk banks to provide human breast milk for the  
12 vulnerable premature or ill infants or for distribution to foster  
13 parents or adoptive parents in this state who wish to provide  
14 breast milk for their foster or adoptive newborn or infant  
15 children.

16       Sec. 7. A for-profit milk bank operating in this state shall  
17 conduct an annual audit, at its own expense, that clearly  
18 demonstrates whether or not the distribution of breast milk  
19 collected complies with the requirements of section 5. The for-  
20 profit milk bank shall submit a report with the findings of the  
21 audit to the department no later than January 31, 2017 and every  
22 January 31 annually after that.

23       Sec. 8. A for-profit milk bank that does not comply with  
24 section 7 shall be responsible for a fine to be determined by the  
25 director of the department. The state treasurer shall credit the  
26 money received under this act to the department for use in infant  
27 mortality prevention projects.

1           Sec. 9. This act does not apply to mother-to-mother milk  
2 sharing groups.

3           Enacting section 1. This act takes effect January 1, 2016.