

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 8545

To protect and expand access to pasteurized, donor human milk, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2026

Ms. HOULAHAN (for herself, Mrs. BICE, and Ms. SALAZAR) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To protect and expand access to pasteurized, donor human milk, 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 “Access to Donor Milk  
5 Act of 2026”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) DONOR HUMAN MILK.—The term “donor  
2 human milk” means human milk that is collected,  
3 pasteurized, and dispensed without additives.

4           (2) DONOR HUMAN MILK-DERIVED PRODUCT.—  
5 The term “donor human milk-derived product”  
6 means a product made predominantly from donor  
7 human milk—

8                   (A) from which one or more components  
9 has been removed in order to produce a spe-  
10 cialty nutritional product; or

11                   (B) to which one or more human milk or  
12 non-human milk components has been added to  
13 produce such a product.

14           (3) DONOR HUMAN MILK BANK.—The term  
15 “donor human milk bank” means an organization  
16 that—

17                   (A) meets standards established by the  
18 Food and Drug Administration for purposes of  
19 ensuring the safety of donor human milk and  
20 human milk banks, including such standards as  
21 may be prescribed pursuant to section 6; and

22                   (B) collects, tests, processes, pasteurizes,  
23 and distributes, in compliance with applicable  
24 Federal and State law, donor human milk or  
25 donor human milk derived products.

1 (4) NONPROFIT DONOR HUMAN MILK BANK.—  
2 The term “nonprofit donor human milk bank”  
3 means a donor human milk bank that is an organi-  
4 zation—

5 (A) described in section 501(c)(3) of the  
6 Internal Revenue Code of 1986 (26 U.S.C.  
7 501(c)(3)); and

8 (B) exempt from taxation under section  
9 501(a) of such Code (26 U.S.C. 501(a)).

10 **SEC. 3. SUPPORT FOR DONOR HUMAN MILK ACTIVITIES.**

11 Section 17 of the Child Nutrition Act of 1966 (42  
12 U.S.C. 1786) is amended—

13 (1) in subsection (b)(4), by inserting “(includ-  
14 ing support for donor human milk (as defined in  
15 section 2 of the Access to Donor Milk Act of 2026)  
16 activities)” after “promotion”; and

17 (2) in subsection (h)(1)(C)—

18 (A) in clause (i), by striking “clause (ii)”  
19 and inserting “clauses (ii) and (iii)”; and

20 (B) by adding at the end the following:

21 “(iii) DONOR HUMAN MILK.—A State  
22 agency may use amounts made available  
23 under clause (i) for—

24 “(I) collecting and storing dona-  
25 tions of unprocessed human milk; and

1                   “(II) the transfer of the milk de-  
2                   scribed in subclause (I) to a nonprofit  
3                   donor human milk bank (as defined in  
4                   section 2 of the Access to Donor Milk  
5                   Act of 2026).”.

6 **SEC. 4. EMERGENCY CAPACITY FUNDING FOR HUMAN MILK**  
7 **BANKS.**

8           (a) IN GENERAL.—The Secretary of Health and  
9 Human Services (referred to in this section as the “Sec-  
10 retary”) shall award competitive grants, subject to sub-  
11 section (c), to eligible entities for expanding emergency ca-  
12 pacity with respect to banking donor human milk.

13           (b) APPLICATION.—An eligible entity seeking a grant  
14 under this section shall submit an application to the Sec-  
15 retary at such time, in such manner, and containing such  
16 information as the Secretary may require.

17           (c) CRITERIA.—The Secretary may award grants  
18 under subsection (a) only in the event of any of the fol-  
19 lowing:

20                   (1) The Secretary determines that expanded ca-  
21 pacity is necessary to respond to any major disaster  
22 declared by the President under section 401 of the  
23 Robert T. Stafford Disaster Relief and Emergency  
24 Assistance Act (42 U.S.C. 5170) or to any public

1 health emergency declared under section 319 of the  
2 Public Health Service Act (42 U.S.C. 247d).

3 (2) The President makes a determination de-  
4 scribed in section 102(1) of the Robert T. Stafford  
5 Disaster Relief and Emergency Assistance Act (42  
6 U.S.C. 5122(1)), or the Secretary makes such a de-  
7 termination.

8 (3) The Secretary determines emergency capac-  
9 ity is needed to ensure adequate supply is available  
10 to meet the demand for donor human milk from an  
11 eligible entity.

12 (d) USE OF FUNDS.—Expanding emergency capacity  
13 pursuant to a grant under this section may include—

14 (1) publicizing the need for donor human milk,  
15 especially for high-risk infants;

16 (2) raising awareness and providing resources  
17 to families, especially families of high-risk infants,  
18 about donor human milk;

19 (3) covering donor human milk collection, stor-  
20 age, pasteurization, transfer, and processing fees;

21 (4) increasing staffing and supplies needed at  
22 donor human milk banks;

23 (5) purchasing consumable products needed for  
24 donor human milk processing; and

1           (6) acquiring equipment for safety and quality  
2           processing of donor human milk.

3           (e) ELIGIBLE ENTITY.—For purposes of this section,  
4           the term “eligible entity” means an entity that—

5                   (1) is a nonprofit donor human milk bank; and

6                   (2) in the application submitted under sub-  
7           section (b), demonstrates, with respect to such enti-  
8           ty—

9                           (A) a rapid increase in demand for donor  
10           human milk; or

11                           (B) a shortage of supplies needed to oper-  
12           ate a donor human milk bank.

13           (f) AUTHORIZATION OF APPROPRIATIONS.—For the  
14           purposes of carrying out this section, there are authorized  
15           to be appropriated \$3,000,000 for fiscal year 2026, and  
16           such sums as may be necessary for each fiscal year there-  
17           after.

18           **SEC. 5. PUBLIC AWARENESS CAMPAIGN WITH RESPECT TO**  
19                           **DONOR HUMAN MILK.**

20           (a) IN GENERAL.—The Secretary of Health and  
21           Human Services—

22                   (1) shall, acting through the Administrator of  
23           the Health Resources and Services Administration,  
24           develop a public awareness campaign with respect to

1 the benefits and safety of donor human milk from  
2 donor human milk banks; and

3 (2) may work with nonprofit donor human milk  
4 banks.

5 (b) DISTRIBUTION OF EDUCATIONAL MATERIALS.—

6 The public awareness campaign under subsection (a) shall  
7 include the distribution of educational materials to—

8 (1) clinicians, such as pediatric specialists, pedi-  
9 atricians, obstetricians, pediatric nutritionists, mid-  
10 wives, and lactation consultants, including inter-  
11 national board-certified lactation consultants;

12 (2) expectant and new parents, with a focus on  
13 expectant and new parents that are participating in  
14 the special supplemental nutrition program for  
15 women, infants, and children program under section  
16 17 of the Child Nutrition Act of 1966 (42 U.S.C.  
17 1786); and

18 (3) community-based organizations.

19 **SEC. 6. REGULATORY STATUS OF DONOR HUMAN MILK.**

20 (a) PUBLIC MEETING.—Not later than 180 days  
21 after the date of the enactment of this Act, the Secretary  
22 of Health and Human Services (referred to in this section  
23 as the “Secretary”) shall, for purposes of assisting the  
24 Secretary in establishing minimum safety standards for

1 donor human milk and donor human milk-derived prod-  
2 ucts under subsection (c), convene a public meeting.

3 (b) SAFETY STANDARDS.—In establishing the safety  
4 standards under subsection (c), the Secretary shall take  
5 into account—

6 (1) the unique factors related to donor human  
7 milk and donor human milk-derived products;

8 (2) ethical considerations;

9 (3) the protection of the United States donor  
10 milk supply; and

11 (4) the resources available to non-profit milk  
12 banks.

13 (c) GUIDANCE.—Not later than 18 months after the  
14 date of enactment of this Act, the Secretary shall issue  
15 draft guidance that—

16 (1) establishes minimum appropriate safety  
17 standards for the collection and preparation, stor-  
18 age, handling, and processing through pasteuriza-  
19 tion, and transfer of donor human milk and donor  
20 human milk-derived products; and

21 (2) considers the minimum appropriateness of  
22 screening, testing, and other processes, to ensure the  
23 safety of donor human milk and donor human milk-  
24 derived products, as determined by the Secretary.

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