

SENATE BILL 2828

By Akbari

AN ACT to amend Tennessee Code Annotated, Title 41,  
Chapter 21, Part 2, relative to postpartum health  
care.

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

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 21, Part 2, is amended by  
adding the following as a new section:

(a) As used in this section:

(1) "Correctional institution" means any facility under the authority of any  
state, county, or municipal government that has the power to detain or restrain,  
or both, a person under the laws of this state;

(2) "Detainee" includes any person detained under the immigration laws  
of the United States at any correctional institution;

(3) "Postpartum" means the six-month period, or longer as determined by  
the healthcare professional responsible for the prisoner's or detainee's health  
care, immediately following delivery, stillbirth, miscarriage, ectopic pregnancy, or  
other non-live birth outcome; and

(4) "Prisoner" means any person incarcerated or detained in any  
correctional institution who is accused of, convicted of, sentenced for, or  
adjudicated delinquent for, violations of criminal law or the terms and conditions  
of parole, probation, pretrial release, or diversionary program.

(b) In order to allow lactating prisoners and detainees to express milk for the  
purpose of maintaining breast milk supply, a correctional institution shall provide  
postpartum prisoners and detainees access to breast pumps at regular intervals for a

period of six (6) months from the date of giving birth. The department of health shall provide breast pumps to postpartum prisoners and detainees free of charge.

(c) A correctional institution shall:

(1) Provide sanitary storage for a prisoner's or detainee's breast milk, if the prisoner or detainee desires the milk to be stored; and

(2) Allow for visits to enable breastfeeding of the prisoner's or detainee's child or allow for the timely collection of the breast milk expressed by the prisoner or detainee for the child by the prisoner's or detainee's family, relatives, or other designated individuals.

(d) All prisoners and detainees potentially affected by this section must be advised in writing of the requirements of this section, and of § 41-21-227(h), upon admission to the correctional institution and when known to be pregnant.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.