

STATE OF NEW YORK

4583--B

2025-2026 Regular Sessions

IN SENATE

February 7, 2025

Introduced by Sens. SALAZAR, BAILEY, BRISPORT, BROUK, CLEARE, COMRIE, COONEY, FERNANDEZ, GONZALEZ, HARCKHAM, HINCHEY, JACKSON, LIU, MARTINEZ, MAYER, MYRIE, RAMOS, RIVERA, SEPULVEDA, SERRANO, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to promoting the health, safety, and human rights of incarcerated pregnant individuals, incarcerated birthing parents of children and their children

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative purpose and findings. People incarcerated in
2 institutions or local correctional facilities face unique health risks
3 during pregnancy, childbirth, postpartum, and early childcare. Lack of
4 appropriate prenatal, obstetric, and postpartum medical care, and appropriate health and safety measures, can result in serious harm to these
5 birthing parents and their children. Birthing parents and such persons'
6 young children need prenatal, obstetric, and pediatric care, as well as
7 developmentally-appropriate resources provided in a safe, healthy, and
8 nurturing environment. Unless comprehensive and compassionate laws,
9 policies, and practices are in place, the rights and care of birthing
10 parents and such persons' young children may be compromised by the
11 conditions of confinement in correctional institutions or facilities.

12 § 2. Section 611 of the correction law, as amended by chapter 242 of
13 the laws of 1930, the section heading as amended by chapter 322 of the
14

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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laws of 2021, subdivision 1 as amended by chapter 17 of the laws of 2016, paragraph (c) of subdivision 1 and subdivision 2 as separately amended by chapters 322 and 621 of the laws of 2021, and subdivision 4 as amended by chapter 486 of the laws of 2022, is amended to read as follows:

§ 611. [~~Births to incarcerated individuals of correctional institutions and care of children of incarcerated individuals of correctional institutions~~] Rights and care of birthing parents and such persons' children. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Birthing parent" means any person who is incarcerated and pregnant, postpartum, or with custody of a child up to twenty-four months of age.

(b) "Prenatal" means the period in which a person becomes pregnant and up until birth or other pregnancy outcome occurs.

(c) "Perinatal" means the twelve-week period immediately before birth and the twelve-week period immediately after birth.

(d) "Postpartum" means the twelve-week period after giving birth and shall include stillbirth, miscarriage, and neonatal death, in accordance with the American college of obstetricians and gynecologists.

(e) "Nursery" means a space where a birthing parent lives with their child and receives services. A nursery shall include, at a minimum, the equipment and furnishings required by section 7651.17 of title 9 of the codes, rules and regulations of the state of New York.

(f) "Timely" means within the timeframe recommended by the treating medical provider, unless otherwise specified in this section.

2. (a) If a [~~woman~~] person confined in any institution or local correctional facility be pregnant and about to give birth to a child, the superintendent or sheriff in charge of such institution or facility, a reasonable time before the anticipated birth of such child, shall cause such [~~woman~~] person to be removed from such institution or facility and provided with comfortable accommodations, maintenance and medical care elsewhere, under such supervision and safeguards to prevent [~~her~~] such birthing parent's escape from custody as the superintendent or sheriff or [~~his or her~~] their designee may determine. No restraints of any kind shall be used during transport of such [~~woman~~] birthing parent, a [~~woman~~] person who is known to be pregnant by correctional personnel or personnel providing medical services to the institution or local correctional facility, or a [~~woman~~] birthing parent within eight weeks after delivery or pregnancy outcome, absent extraordinary circumstances in which:

i. the superintendent or sheriff or [~~his or her~~] their designee in consultation with the medical professional responsible for the institution has made an individualized determination that restraints are necessary to prevent such [~~woman~~] birthing parent from injuring [~~herself~~] themselves or medical or correctional personnel or others and cannot reasonably be restrained by other means, including the use of additional personnel; or

ii. the correctional personnel directly responsible for the transport of such a [~~woman~~] birthing parent determine that an emergency has arisen in which restraints are necessary because the [~~woman~~] birthing parent poses an immediate risk of serious injury to [~~herself~~] themselves or medical or correctional personnel or others and cannot reasonably be restrained by other means.

(b) If a determination has been made pursuant to subparagraph i or ii of paragraph (a) of this subdivision that extraordinary circumstances

1 exist then restraints shall be limited to wrist restraints in front of
2 the body. The superintendent or sheriff or ~~[his or her]~~ their designee
3 pursuant to subparagraph i of paragraph (a) of this subdivision or
4 correctional personnel pursuant to subparagraph ii of paragraph (a) of
5 this subdivision shall document in writing the facts upon which the
6 finding of extraordinary circumstances were based within five days of
7 the use of such restraints and shall also document the type of
8 restraints used and the length of time such restraints were used.

9 (c) No restraints of any kind shall be used when such [woman] birthing
10 parent is in labor, admitted to a hospital, institution or clinic for
11 delivery, or recovering after giving birth. Any such personnel as may be
12 necessary to supervise the [woman] birthing parent during transport to
13 and from and during ~~[her]~~ their stay at the hospital, institution or
14 clinic shall be provided to ensure adequate care, custody and control of
15 the [woman] birthing parent, except that no correctional staff shall be
16 present in the delivery room during the birth of a baby unless requested
17 by the medical staff supervising such delivery or by the [woman] birth-
18 ing parent giving birth. The [woman] birthing parent shall be permitted
19 to have at least one support person of ~~[her]~~ their choosing accompany
20 ~~[her]~~ them in the delivery room and when such [woman] birthing parent is
21 in labor and recovering after giving birth. A support person shall not
22 need to have visited the [woman] birthing parent at a correctional
23 facility prior to serving as a support person. A person may not be
24 denied eligibility to serve as a support person solely on the basis of a
25 past criminal conviction or that such person is on probation, condi-
26 tional release, parole or post release supervision. Any decision by an
27 agency to deny a [woman's] birthing parent's request to have a specific
28 person serve as a support person shall be made with reasons specified in
29 writing within five days of ~~[her]~~ the request and promptly provided to
30 the [woman] birthing parent. A support person shall be notified imme-
31 diately after such [woman] birthing parent goes into labor, or imme-
32 diately after a caesarean section or termination is scheduled. If avail-
33 able, a doula, midwife or other birthing support specialist may also
34 assist during labor and delivery in addition to at least one support
35 person of the [woman's] birthing parent's choosing. Any [woman] birthing
36 parent confined in a state or local correctional facility shall receive
37 notice in writing in a language and manner understandable to ~~[her]~~ such
38 birthing parent about the requirements of this section upon ~~[her]~~ such
39 birthing parent's admission to such state or local correctional facility
40 and again when ~~[she]~~ the birthing parent is known to be pregnant. The
41 superintendent or sheriff shall publish notice of the requirements of
42 this section in prominent locations where medical care is provided. The
43 superintendent or sheriff or ~~[his or her]~~ their designee shall cause
44 such [woman] birthing parent to be subject to return to such institution
45 or local correctional facility as soon after the birth of ~~[her]~~ such
46 birthing parent's child as the state of ~~[her]~~ such birthing parent's
47 health will permit as determined by the medical professional responsible
48 for the care of such [woman] birthing parent. If such [woman] birthing
49 parent is confined in a local correctional facility, the expense of such
50 accommodation, maintenance and medical care shall be paid by such
51 [woman] birthing parent or ~~[her]~~ their relatives or from any available
52 funds of the local correctional facility and if not available from such
53 sources, shall be a charge upon the county, city or town in which is
54 located the court from which such incarcerated individual was committed
55 to such local correctional facility. If such [woman] birthing parent is
56 confined in any institution under the control of the department, the

1 expense of such accommodation, maintenance and medical care shall be
2 paid by such [woman] birthing parent or [her] their relatives and if not
3 available from such sources, such maintenance and medical care shall be
4 paid by the state. In cases where payment of such accommodations, main-
5 tenance and medical care is assumed by the county, city or town from
6 which such incarcerated individual was committed the payor shall make
7 payment by issuing payment instrument in favor of the agency or individ-
8 ual that provided such accommodations and services, after certification
9 has been made by the head of the institution to which the incarcerated
10 individual was legally confined, that the charges for such accommo-
11 dations, maintenance and medical care were necessary and are just, and
12 that the institution has no available funds for such purpose.

13 (d) Any [woman] birthing parent confined in an institution or local
14 correctional facility shall receive notice in writing in a language and
15 manner understandable to [her] such birthing parent about the require-
16 ments of this section upon [her] such birthing parent's admission to an
17 institution or local correctional facility and again when [she] such
18 birthing parent is known to be pregnant. The superintendent or sheriff
19 shall publish notice of the requirements of this section in prominent
20 locations where medical care is provided. The department and the sheriff
21 shall provide annual training on provisions of this section to all
22 correctional personnel who are involved in the transportation, super-
23 vision or medical care of incarcerated [women] individuals.

24 (e) The department shall report annually to the governor, the tempo-
25 rary president of the senate, the minority leader of the senate, the
26 speaker of the assembly, the minority leader of the assembly, the chair-
27 person of the senate crime victims, crime and correction committee and
28 the chairperson of the assembly correction committee concerning every
29 use of restraints on a [woman] birthing parent under this section,
30 including the reason such restraint was used, the type of restraint used
31 and the length of time such restraint was used pursuant to paragraph (b)
32 of this subdivision, but shall exclude individual identifying informa-
33 tion. The sheriff of each county shall report, in a form and manner
34 prescribed by the commission, every use of restraints on a [woman]
35 birthing parent under this section, including the reason such restraint
36 was used, the type of restraint used and the length of time such
37 restraint was used pursuant to paragraph (b) of this subdivision, annu-
38 ally to the commission. The commission shall include such information in
39 its annual report pursuant to section forty-five of this chapter, but
40 shall exclude identifying information from such report. Reports required
41 by this section shall be posted on the websites maintained by the
42 department and the commission.

43 ~~[2. A child so born may be returned with its mother to the correction-~~
44 ~~al institution in which the mother is confined]~~ 3. Birthing parents
45 shall be provided with appropriate accommodations and continuous access
46 to prenatal, perinatal, and postpartum care, including all necessary
47 prenatal screening and diagnostic tests, medication as prescribed by
48 medical personnel, consultation and treatment, including treatment by
49 specialists, and appropriate medical care after delivery or other preg-
50 nancy outcomes, including postpartum physical, mental, and reproductive
51 health care, as recommended by the American college of obstetricians and
52 gynecologists. The commissioner and the state commission on corrections
53 shall establish rules and regulations relating to conditions in the
54 institution or local correctional facility, treatment and care that
55 shall include, but is not limited to:

1 (a) Access to pregnancy tests upon request, which request shall be
2 complied with immediately;

3 (b) Regularly scheduled obstetric care appointments with a medical
4 practitioner and continuing as recommended by medical personnel through
5 the postpartum period following confirmation of a positive pregnancy
6 test or upon entering such facility for an incarcerated individual
7 having already confirmed pregnancy;

8 (c) Access to prenatal appointments with a medical practitioner pursu-
9 ant to this paragraph at a frequency in line with recommendations by the
10 American college of obstetricians and gynecologists and access to a
11 high-risk obstetrician, without delay, if such medical practitioner
12 deems it necessary;

13 (d) Access to fetal ultrasound imaging conducted by a sonographer who
14 is certified in or who has received a degree in sonography from a
15 national certifying or degree-granting body at a frequency determined by
16 the medical practitioner caring for such individual, including, at a
17 minimum: one dating ultrasound if such individual is in their first
18 trimester or has not yet had or does not have records of a prior such
19 ultrasound; one ultrasound to assess fetal anatomy between eighteen and
20 twenty-two weeks of pregnancy if such individual has not yet reached
21 twenty-two weeks of pregnancy; and within two weeks of entering custody
22 in an institution or local correctional facility if such individual
23 enters custody past twenty-two weeks of pregnancy. Such individual shall
24 be permitted to have physical images from the ultrasound to keep at the
25 institution or local correctional facility and, if such images are capa-
26 ble of being generated and such individual chooses, an additional copy
27 for a person of the individual's choosing;

28 (e) For individuals with a high-risk pregnancy, the frequency of
29 prenatal appointments shall be determined by the high-risk obstetrician
30 caring for such individuals;

31 (f) Access to a medical practitioner twenty-four hours per day seven
32 days per week, and in the event of an emergency related to an individ-
33 ual's pregnancy and permitting such individual access to speak with such
34 practitioners directly;

35 (g) Allowing the birthing parent to be examined by medical staff with-
36 out correction staff or volunteers present unless requested by the
37 birthing parent or by the medical staff when the situation poses a clear
38 risk of danger to the medical staff or others;

39 (h) Allowing a birthing parent to have a consultation with a nutri-
40 tionist or dietician about pregnancy appropriate nutrition and physical
41 activity at least once a trimester;

42 (i) Access to a dentist within one month of the institution or local
43 correctional facility learning such individual is pregnant. Such dentist
44 shall offer such individual a comprehensive exam, cleaning, and timely
45 referral to dental specialists if necessary;

46 (j) Access to at least one consultation prior to the birth between
47 such individual and such individual's medical practitioner, midwife,
48 and/or doula, to discuss anticipatory guidance related to the birth and
49 establish a birth plan, that the institution or local correctional
50 facility shall accommodate that birthing plan;

51 (k) Access to perinatal vitamins that meet the standards of the United
52 States Food and Drug Administration and that are recommended by the
53 birthing parent's medical practitioner;

54 (l) Access to evidence-based treatment and medication for opioid use
55 disorder, smoking cessation, alcohol use disorder and other substance
56 use disorders that shall not be denied on account of pregnancy;

1 (m) Screening for HIV, hepatitis B, syphilis, chlamydial infection,
2 and Neisseria Gonorrhea, as recommended by the American academy of
3 pediatrics and the American college of obstetricians and gynecologists
4 with prior written and oral informed consent specific to the test;

5 (n) Access to a consultation with a medical professional for influenza
6 and Tdap vaccines;

7 (o) Screening the birthing parent for mental health concerns and
8 psychological and psychiatric therapy and treatment, and if recommended
9 as a result of such screening, access to a consultation with a medical
10 professional regarding psychiatric medications and provision to psychi-
11 atric medications that are safe during pregnancy;

12 (p) Medical care during labor and delivery, which shall include care
13 by qualified medical personnel, such as someone who has been certified
14 in obstetrics by the American board of medical specialties or a compara-
15 ble national certifying board or a midwife licensed to practice midwif-
16 ery pursuant to article one hundred forty of the education law provided
17 that such a midwife is available and such individual requests midwifery
18 care and necessary medical equipment, including full access to pain
19 management medications when safe. A birthing parent shall remain at the
20 hospital and in care by qualified medical personnel for forty-eight
21 hours after vaginal birth and ninety-six hours after cesarean birth in
22 accordance with recommendations from the American college of obstetri-
23 cians and gynecologists. Prior to release from the hospital, the birth-
24 ing parent shall receive consultations from qualified practitioners to
25 include but not be limited to a certified dietician and/or nutritionist
26 for postpartum physical activity recommendations appropriate to labor
27 and delivery outcomes of the birthing parent;

28 (q) Timely access to medications, vaccines, and prenatal, perinatal,
29 postpartum, and fetal tests as recommended by the medical practitioner
30 caring for such individual and timely access to results of such tests,
31 including tests identifying the sex of the fetus, if such individual
32 confirms they want this information;

33 (r) Access to appropriate hydration and nutrition that shall include
34 distilled water for formula, bottles and bottled filtered water for
35 drinking. Such nutrition shall include the provision of additional
36 portions of nutritious food, fresh fruits and vegetables that are safe
37 to consume during the prenatal, perinatal and postpartum periods,
38 including breastfeeding-related nutritional recommendations of the Amer-
39 ican college of obstetricians and gynecologists and the American academy
40 of pediatrics and the birthing parent's treating physician. Access to
41 additional food, milk, and hydration in the birthing parent's living
42 area during the prenatal, perinatal and postpartum periods and while
43 breastfeeding;

44 (s) Regular access to safe and appropriate exercise facilities for at
45 least one hour per day during the prenatal, perinatal and postpartum
46 periods as appropriate to their physical health and birth outcome;

47 (t) Reasonable accommodations for sleep, rest, and work requirements
48 for the prenatal, perinatal and postpartum periods and the entire period
49 the child remains with birthing parent. Such accommodations shall mini-
50 mize the requirements which result in the birthing parent repeatedly
51 climbing stairs and lifting heavy items, if the birthing parent's treat-
52 ing physician determines that such activities present a risk of harm to
53 such individual;

54 (u) Access to seating with back support in situations that require
55 sitting, including waiting for an appointment and participating in
56 programs or work duties;

1 (v) For breastfeeding birthing parents, access to a nursing cover;

2 (w) Ensure necessary safeguards to prevent exposure to substances or
3 chemicals that could present a risk of harm to the birthing parent
4 during the prenatal, perinatal and postpartum periods or such person's
5 fetus or infant;

6 (x) Safe and appropriate housing and living conditions, including
7 adequate bedding, clothing, and personal hygiene and self-care supplies
8 during prenatal, perinatal and postpartum periods and during the entire
9 period the child remains with the birthing parent. Bedding includes
10 access to additional mattresses, pillows, blankets, and sheets;

11 (y) In-person, telephonic, or virtual consultations with legal counsel
12 of their choice regarding their postpartum decisions related to the
13 short term and long term care of the child, and appropriate peer and
14 social support of other incarcerated parents in person or virtual if
15 necessary. Such postpartum individuals shall also have access to reason-
16 able technology to take and share photos of such person's child;

17 (z) Accommodations for a birthing parent's decisions regarding their
18 child's daily life including feeding, dressing, sleeping, and hygiene,
19 provided that such decisions do not present a significant risk to the
20 health of the child or the safety and security of the institution or
21 local correctional facility; and

22 (aa) Policies and procedures to prevent withholding care from a birth-
23 ing parent as a result of such pregnancy and ensuring that education and
24 programming continue uninterrupted by such pregnancy.

25 4. (a) The commissioner and the state commission on corrections shall
26 establish rules and regulations relating to conditions and procedures in
27 the institution or local correctional facility that shall allow a child
28 of a birthing parent to remain in such institution or local correctional
29 facility, which shall include, but are not limited to:

30 (i) a child up to eighteen months old shall remain in the institution
31 or correctional facility; provided, however, that if the birthing parent
32 is to be released by the time the child becomes twenty-four months of
33 age, such child may remain at the institution or local correctional
34 facility until the birthing parent is released. If a birthing parent of
35 a child under the age of eighteen months is incarcerated at an institu-
36 tion or local correctional facility, such child may accompany such
37 person to such institution or facility if such person is physically fit
38 to have the care of such child, subject to the provisions of this
39 section. If any person committed to any such institution or facility at
40 the time of such commitment is the birthing parent of, and has under
41 their exclusive care, a child more than eighteen months of age, the
42 justice or magistrate committing such person shall refer such child to
43 the commissioner of public welfare or other officer or board exercising
44 in relation to children the power of a commissioner of public welfare of
45 the county from which the person is committed to be cared for as
46 provided by law in the case of a child becoming dependent upon the coun-
47 ty.

48 (ii) unless the chief medical officer of the [correctional] institu-
49 tion [shall certify that the mother is physically unfit to care for the
50 child, in which case the statement of the said medical officer shall be
51 final. A child may remain in the correctional institution with its
52 mother for such period as seems desirable for the welfare of such child,
53 but not after it is one year of age, provided, however, if the mother is
54 in a state reformatory and is to be paroled shortly after the child
55 becomes one year of age, such child may remain at the state reformatory
56 until its mother is paroled, but in no case after the child is eighteen

~~months old. If a pregnant woman or mother of a child under the age of eighteen months is incarcerated at a state or local correctional facility, the department shall inform her of her ability to apply to any nursery program run by the department and the locality]~~ or local correctional facility demonstrates a finding by clear and convincing evidence that such person poses an imminent risk to the health and safety of the child.

(b) Any ~~woman~~ person confined in ~~[a state]~~ an institution or local correctional facility shall receive notice in writing in a language and manner understandable to ~~her~~ them about ~~[the requirements of]~~ their rights under this section upon ~~her~~ their admission to ~~[a state]~~ an institution or local correctional facility and again when ~~she is~~ they are known to be pregnant. The superintendent or sheriff shall publish notice of ~~[the requirements of this section]~~ such rights in prominent locations where medical care is provided. ~~[The officer in charge of such institution may cause a child cared for therein with its mother to be removed from the institution at any time before the child is one year of age. He or she shall make provision for a child removed from the institution without its mother or a child born to a woman incarcerated individual who is not returned to the institution with its mother as herein after provided. He or she]~~

(c) No child shall be removed from the nursery without the express oral and written consent of the birthing parent or a finding, by clear and convincing evidence, that the birthing parent poses an imminent risk to the health and safety of the child and that this risk cannot be mitigated through reasonable efforts on behalf of the institution or local correctional facility. The birthing parent shall be afforded the right to seek counsel and due process shall be afforded to the birthing parent prior to, or shortly after, such removal and if the finding above is not sustained, the child shall be immediately returned to the care and custody of the birthing parent. The officer in charge of an institution or local correctional facility may, upon proof being furnished by the ~~father~~ non-birthing parent or other relatives of ~~their~~ such relatives ability to properly care for and maintain such child, and with the express written and oral consent of the birthing parent who gave birth to the child within the previous eighteen months, give the child into the care and custody of such ~~father~~ non-birthing parent or other relatives, who shall thereafter maintain the same at their own expense. If it shall appear that such ~~father~~ non-birthing parent or other relatives are unable to properly care for and maintain such child, such officer shall place the child in the care of the commissioner of public welfare or other officer or board exercising in relation to children the power of a commissioner of public welfare of the county from which such ~~incarcerated individual~~ birthing parent was committed as a charge upon such county. The officer in charge of the correctional institution shall send to such commissioner, officer or board a report of all information available in regard to the ~~mother~~ birthing parent and the child. Such commissioner of public welfare or other officer or board shall care for or place out such child as provided by law in the case of a child becoming dependent upon the county.

~~[3. If any woman, committed to any such correctional institution at the time of such commitment is the mother of a nursing child in her care under one year of age, such child may accompany her to such institution if she is physically fit to have the care of such child, subject to the provisions of subdivision two of this section. If any woman committed to any such institution at the time of such commitment is the mother of and~~

~~has under her exclusive care a child more than one year of age the justice or magistrate committing such woman shall refer such child to the commissioner of public welfare or other officer or board exercising in relation to children the power of a commissioner of public welfare of the county from which the woman is committed to be cared for as provided by law in the case of a child becoming dependent upon the county.~~

~~4-]~~ 5. The birthing parent and their child in the nursery of the correctional institution or local correctional facility shall be entitled to the following:

(a) No person shall separate or threaten to separate a birthing parent who is caring for their child in the nursery and such threat shall never be used as a disciplinary tool or sanction.

(b) No person shall care for the child without the express permission of the birthing parent.

(c) The opportunity for a quiet and private sleeping space until the child is weaned or such child consistently sleeps through the night, whichever occurs later.

(d) Access to timely consultations with pediatricians, including in-person consultations. These appointments shall be conducted after birth, at one month, two months, four months, six months, nine months, one year, fifteen months, eighteen months, and twenty-four months, according to the child's pediatrician.

(e) Access to appropriate over-the-counter medications for their child, regardless of whether the birthing parent has consulted with a pediatrician.

(f) Access to counseling for birthing parents who have given birth within the previous eighteen months regarding all options open to them, including all rights under this section to postpartum care, to maintain the care and custody of their child while incarcerated, all rights of such child to receive pediatric care and a safe, nurturing and developmentally appropriate environment, and alternative care arrangements for their child.

(g) No birthing parent who has given birth within the prior eighteen months and who is caring for their child while incarcerated shall be subjected to isolation or segregated confinement, used as a disciplinary tool or sanction, with or without their child.

(h) In addition to the requirements of section 7651.17 of title 9 of the codes, rules and regulations of the state of New York, appropriate pediatric care, including all necessary medical and developmental testing, as recommended by the American academy of pediatrics.

(i) Emergency access to a physician, physician assistant, or nurse practitioner who is certified by a national certifying board to provide pediatric care twenty-four hours per day, seven days per week. Such emergency access shall include medical care for infants within two hours of infant distress. A telehealth option shall be available when necessary as a last resort.

(j) Access to all relevant features of early intervention or other special medical or developmental services when needed as determined by an assessment, via experts within or outside the facility as stated in article twenty-five of the public health law.

(k) Access to a clean, safe and nurturing environment for children, which includes safe and appropriate sleeping arrangements that reduce the risk of sudden infant death syndrome, safe and appropriate playing, eating, and bathing spaces, adequate hygiene and personal care supplies, adequate over-the-counter medication for common conditions such as

1 colds, teething pain, and diaper rash, and daily access to natural
2 light, quiet, and music.

3 (l) Access to non-prescription pediatric medications, creams, oint-
4 ments, and sprays approved by the United States Food and Drug Adminis-
5 tration upon the birthing parent's request.

6 (m) Access to full opportunity to bond with such child's birthing
7 parents, including consistent and extensive physical skin-to-skin
8 contact from the moment of birth.

9 (n) Healthy nutrition, including breastfeeding or breast milk that has
10 been pumped, stored and warmed, if such birthing parent so chooses.

11 (o) Adequate quantities of age-appropriate diapers, baby clothes, baby
12 blankets, burp cloths, bibs, baby bathing equipment, and developmentally
13 appropriate toys.

14 (p) A safe place separated from the general incarcerated population.

15 (q) Reasonable visiting hours for family and friends, subject to the
16 consent of the birthing parent.

17 (r) Access to time outdoors for at least one hour per day.

18 6. Upon admitting a [woman] person known to be pregnant, or upon
19 learning of pregnancy status, the chief medical officer of each institu-
20 tion or local correctional facility housing [~~female incarcerated indi-~~
21 ~~viduals~~] birthing parents, including the medical professional responsi-
22 ble for each local correctional facility housing [~~female incarcerated~~
23 ~~individuals~~] birthing parents, or such officer or professional's desig-
24 nee, shall immediately inform such [woman] birthing parent of [~~the~~
25 ~~option of participating in~~] their right to comprehensive pregnancy coun-
26 seling services and the right to abortion services.

27 7. Enforcement. (a) The commissioner or the state commission on
28 correction shall promulgate rules and regulations necessary for the
29 implementation of this section within one hundred eighty days of the
30 effective date of this subdivision.

31 (b) If a birthing parent claims that either they or the child in their
32 care have suffered as a result of conduct prohibited under this section
33 or have been denied the rights provided in this section, the provisions
34 of this section shall be enforceable by a proceeding brought pursuant to
35 article seventy-eight of the civil practice law and rules.

36 § 3. Subdivision 33 of section 2 of the correction law, as added by
37 chapter 93 of the laws of 2021, is amended to read as follows:

38 33. "Special populations" means any person: (a) twenty-one years of
39 age or younger; (b) fifty-five years of age or older; (c) with a disa-
40 bility as defined in paragraph (a) of subdivision twenty-one of section
41 two hundred ninety-two of the executive law; or (d) who is pregnant, in
42 the first [~~eight weeks~~] twelve weeks of the [~~post-partum~~] postpartum
43 recovery period after giving birth, or caring for a child in a correc-
44 tional institution pursuant to [~~subdivisions two or three of~~] section
45 six hundred eleven of this chapter.

46 § 4. Severability. If any word, phrase, clause, sentence, paragraph,
47 section, or part of this act shall be adjudged by any court of competent
48 jurisdiction to be invalid, such judgment shall not affect, impair, or
49 invalidate the remainder thereof, but shall be confined in its operation
50 to the word, phrase, clause, sentence, paragraph, section, or part ther-
51 eof directly involved in the controversy in which such judgment shall
52 have been rendered.

53 § 5. This act shall take effect on the one hundred eightieth day after
54 it shall have become a law.