STATE OF NEW YORK

211--A

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. L. ROSENTHAL, LUPARDO, GALEF, NIOU, DICKENS, JEAN-PIERRE, SIMON, SEAWRIGHT, COOK, HYNDMAN, WALKER, AUBRY, LAVINE, CAHILL, COLTON, J. RIVERA, WEPRIN, STIRPE, TAYLOR, JACOBSON, EPSTEIN, ASHBY, JACKSON, BURDICK, KELLES, BICHOTTE HERMELYN, McDONALD, GONZALEZ-ROJAS, FAHY, JENSEN, LUNSFORD, REYES -- Multi-Sponsored by -- M. of A. FERNANDEZ -- read once and referred to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to establishing the women's health education program for correctional facilities and rights of pregnant incarcerated individuals; to amend the public health law, in relation to requiring certain testing to be offered; to amend the correction law, in relation to providing pregnant incarcerated individuals with access to prenatal vitamins and a specialized diet; and to require the department of health to collect data on women's health care in prisons and publish a report

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

Section 1. The public health law is amended by adding a new section 207-b to read as follows:

§ 207-b. Women's health education program in state and local correctional facilities. The commissioner, in consultation with the commissioner of corrections and community supervision and the chair of the state commission of correction, shall establish a women's health education program in state and local correctional facilities. Such program shall educate facility medical staff on the special medical needs of women, including training on providing professional, respectful and informed care of women who have been victims of domestic violence or sexual violence.

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

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§ 2. Subdivision 1 of section 2308-a of the public health law, as amended by section 38 of part E of chapter 56 of the laws of 2013, is amended to read as follows:

1. The administrative officer or other person in charge of a clinic or other facility providing gynecological, obstetrical, genito-urological, contraceptive, sterilization or termination of pregnancy services or treatment shall require the staff of such clinic or facility to offer to administer to every resident of the state of New York coming to such clinic or facility for such services or treatment, appropriate examinations or tests for the detection of sexually transmitted diseases. **For the purposes of this subdivision, the term "facility" shall include a correctional facility as defined in subdivision four of section two of the correction law.**

§ 3. Subdivision 2 of section 140 of the correction law, as added by chapter 516 of the laws of 1995, is amended to read as follows:

2. Subject to the regulations of the department of health, routine medical, dental and mental health services and treatment is defined for the purposes of this section to mean any routine diagnosis or treatment, including without limitation **the provision of gynecological services for female incarcerated individuals,** the administration of medications or nutrition, the extraction of bodily fluids for analysis, and dental care performed with a local anesthetic. Routine mental health treatment shall not include psychiatric administration of medication unless it is part of an ongoing mental health plan or unless it is otherwise authorized by law.

§ 4. Subdivision 2 of section 505 of the correction law, as added by chapter 437 of the laws of 2013, is amended to read as follows:

2. Subject to the regulations of the department of health, routine medical, dental and mental health services and treatment is defined for the purposes of this section to mean any routine diagnosis or treatment, including without limitation **the provision of gynecological services for female incarcerated individuals,** the administration of medications or nutrition, the extraction of bodily fluids for analysis, and dental care performed with a local anesthetic. Routine mental health treatment shall not include psychiatric administration of medication unless it is part of an ongoing mental health plan or unless it is otherwise authorized by law.

§ 5. The correction law is amended by adding a new section 140-a to read as follows:

§ 140-a. Prenatal care. If a pregnant woman is confined to a state or local correctional facility, she shall be given prenatal care comparable to such care available to women in the community. Such care shall include regular check-ups throughout the course of her pregnancy and education on healthy lifestyle choices of benefit to the woman and her child. Pregnant women confined to such facilities shall also be given prenatal vitamins and a specialized diet tailored to provide their nutritional needs during pregnancy.

§ 6. The commissioner of corrections and community supervision, in conjunction with the commissioner of health shall promulgate such rules and regulations as may be necessary to effectuate the provisions of section five of this act.

§ 7. 1. The department of health, in cooperation with the department of corrections and community supervision, shall conduct a study of women's health care in prisons. Such study shall:

a. collect all available data relating to women's health care in prisons;

b. determine how often women in prisons are being seen by a medical professional;

c. determine how long it takes for women in prisons to be seen by a medical professional;

d. identify what issues women in prisons are most often being seen for;

e. determine the outcomes of women in prisons being seen by a medical professional; and

f. investigate anything deemed relevant by the commissioner of health or the commissioner of corrections and community supervision for the purposes of this study.

2. Upon completion of the study required by subdivision one of this section, the commissioner of health, or his or her designee, shall prepare a report to be given to the governor and the legislature which shall include the findings of such study. Such report shall be filed within one year of the effective date of this act, unless the commissioner of health requests in writing, an extension of time.

3. All other departments or agencies of the state or subdivisions thereof, and local governments shall, at the request of the commissioner of health or the commissioner of corrections and community supervision, provide expertise, assistance, and data that will enable such commissioner to carry out his or her powers and duties.

§ 8. This act shall take effect immediately; provided, however, that section five of this act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.