

STATE OF NEW YORK

4610

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the
Committee on Correction

AN ACT to amend the correction law, in relation to providing breast
pumps to certain incarcerated nursing mothers

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

1 Section 1. Section 611 of the correction law is amended by adding a
2 new subdivision 4 to read as follows:

3 4. (a) If a child is permitted to return with or accompany its mother
4 to an institution or local correctional facility in which a mother is
5 confined or committed pursuant to this section, such institution or
6 local correctional facility shall permit the mother to breastfeed her
7 child and shall provide the mother with a breast pump and related
8 collection and storage materials for any period during which the mother
9 and her child remain together in an institution or local correctional
10 facility, but not beyond the date on which such child reaches one year
11 of age. Notwithstanding the foregoing, a mother shall be provided with a
12 breast pump and related collection and storage materials until her child
13 reaches eighteen months of age if such mother is confined in an institu-
14 tion, is to be paroled shortly after her child reaches one year of age
15 and such child is permitted to remain at the institution until its moth-
16 er is paroled.

17 (b) If a child is not permitted to return with or accompany its mother
18 to an institution or local correctional facility in which a mother is
19 confined or committed to pursuant to this section, until the date on
20 which such child reaches one year of age, such institution or local
21 correctional facility shall permit the mother to collect and store
22 breast milk until it is ready for consumption, and shall permit such
23 mother to designate an individual to collect stored breast milk from
24 such facility and deliver it to her child. Such institution or local

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

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1 correctional facility shall provide the mother with a breast pump and
2 related collection and storage materials.

3 (c) Every institution or local correctional facility subject to the
4 provisions of this subdivision shall obtain the supplies and equipment
5 necessary to comply with the provisions of this subdivision within six
6 months of the effective date of this subdivision.

7 § 2. The commissioner of corrections and community supervision shall
8 promulgate rules and regulations to address the implementation of a
9 uniform infant breastfeeding and lactation policy for all institutions
10 and local correctional facilities in this state that house female
11 inmates. Such policy shall be based on currently accepted best practices
12 in the field of correctional health care and shall include provisions
13 for the following: manual pumps, electric pumps and related collection
14 and storage materials; designation of a clean, private room with access
15 to electricity for the use of an electric pump, if preferred by the
16 lactating inmate and approved by the superintendent; education for
17 lactating inmates concerning breastfeeding and lactation care based on
18 current best practices; peer counselors with experience in breastfeeding
19 and who can provide support and advice; human milk expression, disposal
20 and storage for later retrieval, if preferred by the lactating inmate
21 and approved by the superintendent; and medically appropriate support
22 and care related to cessation of lactation or weaning. Inmates may not
23 be forced to participate in any breastfeeding and lactation policy and
24 may not be subjected to negative consequences for choosing not to
25 participate.

26 § 3. This act shall take effect immediately.