

STATE OF NEW YORK

401--A

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. BIAGGI, JACKSON, MYRIE, RIVERA, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues -- recommitted to the Committee on Women's Issues in accordance with Senate Rule 6, sec. 8 -- 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:

1 Section 1. The public health law is amended by adding a new section
2 207-b to read as follows:

3 § 207-b. Women's health education program in state and local correc-
4 tional facilities. The commissioner, in consultation with the commis-
5 sioner of corrections and community supervision and the chair of the
6 state commission of correction, shall establish a women's health educa-
7 tion program in state and local correctional facilities. Such program
8 shall educate facility medical staff on the special medical needs of
9 women, including training on providing professional, respectful and
10 informed care of women who have been victims of domestic violence or
11 sexual violence.

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

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

LBD00398-02-2

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

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

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

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

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

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

37 § 140-a. Prenatal care. If a pregnant woman is confined to a state or
38 local correctional facility, she shall be given prenatal care comparable
39 to such care available to women in the community. Such care shall
40 include regular check-ups throughout the course of her pregnancy and
41 education on healthy lifestyle choices of benefit to the woman and her
42 child. Pregnant women confined to such facilities shall also be given
43 prenatal vitamins and a specialized diet tailored to provide their
44 nutritional needs during pregnancy.

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

49 § 7. 1. The department of health, in cooperation with the department
50 of corrections and community supervision, shall conduct a study of
51 women's health care in prisons. Such study shall:

52 a. collect all available data relating to women's health care in pris-
53 ons;

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

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

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

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

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

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

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

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