

# STATE OF NEW YORK

3483--A

2023-2024 Regular Sessions

## IN ASSEMBLY

February 3, 2023

Introduced by M. of A. L. ROSENTHAL, KELLES, CRUZ, JEAN-PIERRE, GLICK, LUCAS, SEAWRIGHT, REYES, DAVILA, SIMONE, SIMON, RAGA, SHIMSKY, LEVENBERG, BURDICK, TAPIA -- 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 correction law, in relation to providing breast pumps to certain incarcerated nursing birth parents

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

1 Section 1. Paragraphs (c), (d) and (e) of subdivision 1 and subdivi-  
2 sions 2 and 4 of section 611 of the correction law, paragraph (c) of  
3 subdivision 1 and subdivision 2 as separately amended by chapters 322  
4 and 621 of the laws of 2021, paragraphs (d) and (e) of subdivision 1 as  
5 amended by chapter 17 of the laws of 2016 and subdivision 4 as amended  
6 by chapter 486 of the laws of 2022, are amended to read as follows:

7 (c) i. No restraints or force of any kind shall be used when such  
8 [~~woman~~] person is in labor, admitted to a hospital[~~, institution~~] or  
9 [~~elinie~~] medical facility for delivery, or recovering after giving  
10 birth. Any such personnel as may be necessary to supervise the [~~woman~~]  
11 person during transport to and from and during [~~her~~] their stay at the  
12 hospital[~~, institution~~] or [~~elinie~~] medical facility shall be provided  
13 to ensure adequate care[~~,~~] and custody [~~and control~~] of the [~~woman,~~  
14 ~~except that no correctional~~] person.

15 ii. No correction staff or volunteers shall be present [~~in the deliv-~~  
16 ~~ery room~~] during the birth of a baby or during counseling and medical  
17 care related to the pregnancy and all pregnancy outcomes including  
18 abortion, miscarriage, and stillbirth unless requested by the medical  
19 staff [~~supervising~~] providing such [~~delivery~~] care or by the [~~woman~~  
20 ~~giving birth~~] person receiving such care. [~~The woman~~] A person who is  
21 pregnant and in custody of an institution or local correctional facility

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

LBD01366-04-4

1 shall be permitted to have at least one support person of [~~her~~] their  
2 choosing accompany [~~her in the delivery room and when such woman is in~~  
3 ~~labor and recovering after giving birth~~] them to a hospital or medical  
4 facility for labor, birth, and counseling and medical care related to  
5 pregnancy and all pregnancy outcomes including abortion, miscarriage and  
6 stillbirth and shall be permitted to remain with such support person for  
7 the duration of their stay in the hospital or medical facility subject  
8 to the visiting rules of that hospital or medical facility. [A] Such  
9 support person shall not need to have visited the [~~woman~~] person they  
10 are supporting at [a] an institution or local correctional facility  
11 prior to serving as a support person[~~,—A person~~] and may not be denied  
12 eligibility to serve as a support person solely on the basis of a past  
13 criminal conviction or that such support person is on probation, condi-  
14 tional release, parole or post release supervision. Any decision by an  
15 [~~agency~~] institution or local correctional facility to deny a [~~woman's~~]  
16 request [~~to have~~] for a specific support person [~~serve as a support~~  
17 ~~person~~] shall be made with reasons specified in writing within five days  
18 of [~~her~~] the request and promptly provided to the [~~woman~~] person making  
19 the request. [A] Such support person shall be notified immediately after  
20 [~~such woman~~] the person they are supporting goes into labor, [~~or imme-~~  
21 ~~diately after a~~] is scheduled for labor induction or a caesarean section  
22 [~~or termination~~], is identified as having a miscarriage or stillbirth,  
23 or is scheduled for medical care for any pregnancy outcome, including  
24 abortion, miscarriage, and stillbirth. If available, a doula[~~,—midwife~~]  
25 or other birthing support specialist may also assist during labor [~~and~~],  
26 delivery [~~in addition to at least one support person of the woman's~~  
27 ~~choosing. Any woman confined in a state or local correctional facility~~  
28 ~~shall receive notice in writing in a language and manner understandable~~  
29 ~~to her about the requirements of this section upon her admission to such~~  
30 ~~state or local correctional facility and again when she is known to be~~  
31 ~~pregnant. The superintendent or sheriff shall publish notice of the~~  
32 ~~requirements of this section in prominent locations where medical care~~  
33 ~~is provided~~], post-partum recovery, and during medical care for and  
34 recovery from any other pregnancy outcome including abortion, miscar-  
35 riage and stillbirth. In accordance with guidelines from the American  
36 Academy of Pediatrics, the opportunity for skin-to-skin contact between  
37 the person who gave birth and the child shall be immediately provided.  
38 The superintendent or sheriff or [~~his or her~~] their designee shall cause  
39 such [~~woman~~] person to be subject to return to such institution or local  
40 correctional facility as soon after the birth of [~~her~~] their child as  
41 the state of [~~her~~] their health will permit as determined by the medical  
42 professional responsible for the care of such [~~woman~~] person. [~~If such~~  
43 ~~woman is confined in a local correctional facility, the expense of such~~  
44 ~~accommodation, maintenance and medical care shall be paid by such woman~~  
45 ~~or her relatives or from any available funds of the local correctional~~  
46 ~~facility and if not available from such sources, shall be a charge upon~~  
47 ~~the county, city or town in which is located the court from which such~~  
48 ~~incarcerated individual was committed to such local correctional facili-~~  
49 ~~ty. If such woman is confined in any institution under the control of~~  
50 ~~the department, the expense of such accommodation, maintenance and~~  
51 ~~medical care shall be paid by such woman or her relatives and if not~~  
52 ~~available from such sources, such maintenance and medical care shall be~~  
53 ~~paid by the state. In cases where payment of such accommodations, main-~~  
54 ~~tenance and medical care is assumed by the county, city or town from~~  
55 ~~which such incarcerated individual was committed the payer shall make~~  
56 ~~payment by issuing payment instrument in favor of the agency or individ-~~

1 ~~ual that provided such accommodations and services, after certification~~  
2 ~~has been made by the head of the institution to which the incarcerated~~  
3 ~~individual was legally confined, that the charges for such accommo-~~  
4 ~~dations, maintenance and medical care were necessary and are just, and~~  
5 ~~that the institution has no available funds for such purpose.]~~

6 (d) ~~[Any woman confined in an institution or local correctional facil-~~  
7 ~~ity shall receive notice in writing in a language and manner understand-~~  
8 ~~able to her about the requirements of this section upon her admission to~~  
9 ~~an institution or local correctional facility and again when she is~~  
10 ~~known to be pregnant. The superintendent or sheriff shall publish notice~~  
11 ~~of the requirements of this section in prominent locations where medical~~  
12 ~~care is provided. The department and the sheriff shall provide annual~~  
13 ~~training on provisions of this section to all correctional personnel who~~  
14 ~~are involved in the transportation, supervision or medical care of~~  
15 ~~incarcerated women.]~~

16 (e) The department shall report annually to the governor, the tempo-  
17 rary president of the senate, the minority leader of the senate, the  
18 speaker of the assembly, the minority leader of the assembly, the chair-  
19 person of the senate crime victims, crime and correction committee and  
20 the chairperson of the assembly correction committee concerning every  
21 use of restraints on a ~~[woman]~~ person under this section, including the  
22 reason such restraint was used, the type of restraint used and the  
23 length of time such restraint was used pursuant to paragraph (b) of this  
24 subdivision, but shall exclude individual identifying information. The  
25 sheriff of each county shall report, in a form and manner prescribed by  
26 the commission, every use of restraints on a ~~[woman]~~ person under this  
27 section, including the reason such restraint was used, the type of  
28 restraint used and the length of time such restraint was used pursuant  
29 to paragraph (b) of this subdivision, annually to the commission. The  
30 commission shall include such information in its annual report pursuant  
31 to section forty-five of this chapter, but shall exclude identifying  
32 information from such report. Reports required by this section shall be  
33 posted on the websites maintained by the department and the commission.

34 2. (a) A child so born ~~[may]~~ to a person who is incarcerated shall be  
35 returned with its ~~[mother]~~ birthing parent to the ~~[correctional]~~ insti-  
36 tution ~~[in which the mother is confined]~~ or local correctional facility  
37 unless the chief medical officer of the ~~[correctional]~~ institution  
38 ~~[shall certify that the mother is physically unfit to care for the~~  
39 ~~child, in which case the statement of the said medical officer shall be~~  
40 ~~final]~~ or local correctional facility demonstrates a finding by clear  
41 and convincing evidence that such person poses an imminent risk to the  
42 health and safety of the child. A child may remain in the ~~[correction-~~  
43 ~~al]~~ institution or local correctional facility with its ~~[mother]~~ birth-  
44 ing parent for such period as seems desirable for the welfare of such  
45 child, but not after it is ~~[one-year]~~ twenty-four months of age,  
46 provided, however, if the ~~[mother is in a state reformatory and]~~ birth-  
47 ing parent is to be ~~[paroled]~~ released shortly after the child becomes  
48 ~~[one-year]~~ twenty-four months of age, such child may remain at the  
49 ~~[state reformatory]~~ institution or local correctional facility until its  
50 ~~[mother]~~ birthing parent is ~~[paroled]~~ released, but in no case after the  
51 child is ~~[eighteen]~~ thirty months old. If a pregnant ~~[woman]~~ person or  
52 ~~[mother]~~ postpartum parent of a child under the age of ~~[eighteen]~~ thirty  
53 months is incarcerated at ~~[a-state]~~ an institution or local correctional  
54 facility, the department shall inform ~~[her]~~ such person of ~~[her]~~ their  
55 ability to apply to any nursery program run by the department ~~[and]~~ or  
56 the locality. Any ~~[woman]~~ person confined in ~~[a-state]~~ an institution or

1 local correctional facility shall receive notice in writing in a  
2 language and manner understandable to [~~her~~] them about the requirements  
3 of this section upon [~~her~~] their admission to [~~a state~~] an institution  
4 or local correctional facility and again when [~~she is~~] they are known to  
5 be pregnant. The superintendent or sheriff shall publish notice of the  
6 requirements of this section in prominent locations where medical care  
7 is provided.

8 (b) The officer in charge of [~~such~~] an institution or local correc-  
9 tional facility may cause a child cared for therein with its [~~mother~~]  
10 birth parent to be removed from the institution or local correctional  
11 facility at any time before the child is [~~one year~~] twenty-four months  
12 of age if, consistent with paragraph (a) of this subdivision, the offi-  
13 cer finds that the child's parent is physically unfit to care for their  
14 child or if remaining in the institution or local correctional facility  
15 is no longer desirable for the welfare of the child. [~~He or she shall~~  
16 ~~make provision for a child removed from the institution without its~~  
17 ~~mother or a child born to a woman incarcerated individual who is not~~  
18 ~~returned to the institution with its mother as hereinafter provided. He~~  
19 ~~or she~~] No child shall be removed from the nursery without the express  
20 oral and written consent of the person who gave birth or a finding, by  
21 clear and convincing evidence, that such person poses an imminent risk  
22 to the health and safety of the child and that this risk cannot be miti-  
23 gated through reasonable efforts on behalf of the institution or local  
24 correctional facility. The right to counsel and due process shall be  
25 afforded to the incarcerated person as well as to the child prior to, or  
26 shortly after, such removal and if the finding above is not sustained,  
27 the child shall be immediately returned to the care and custody of the  
28 person who is incarcerated. Such officer may, upon proof being  
29 furnished by the [~~father~~] non-birthing parent or [~~other~~] relatives of  
30 their ability to properly care for and maintain such child, and with the  
31 express written and oral consent of the person who is incarcerated and  
32 who gave birth to the child within the previous thirty months, give the  
33 child into the care and custody of such [~~father~~] non-birthing parent or  
34 [~~other~~] relatives, who shall thereafter maintain the same at their own  
35 expense. [~~If it shall appear that such father or other relatives are~~  
36 ~~unable to properly care for and maintain such child, such officer shall~~  
37 ~~place the child in the care of the commissioner of public welfare or~~  
38 ~~other officer or board exercising in relation to children the power of a~~  
39 ~~commissioner of public welfare of the county from which such incarcerat-~~  
40 ~~ed individual was committed as a charge upon such county. The officer in~~  
41 ~~charge of the correctional institution shall send to such commissioner,~~  
42 ~~officer or board a report of all information available in regard to the~~  
43 ~~mother and the child. Such commissioner of public welfare or other offi-~~  
44 ~~cer or board shall care for or place out such child as provided by law~~  
45 ~~in the case of a child becoming dependent upon the county.~~]

46 4. Upon admitting a [~~woman~~] person known to be pregnant, or upon  
47 learning of pregnancy or postpartum status, the chief medical officer of  
48 each institution or local correctional facility housing [~~female incar-~~  
49 ~~cerated~~] pregnant or postpartum individuals who are incarcerated,  
50 including the medical professional responsible for each institution or  
51 local correctional facility housing [~~female incarcerated~~] pregnant or  
52 postpartum individuals who are incarcerated, or such officer or profes-  
53 sional's designee, shall immediately [~~inform~~] provide such person with  
54 supportive pregnancy or postpartum options counseling consistent with  
55 their reproductive rights as outlined in section twenty-five hundred  
56 ninety-nine-aa of the public health law, including informing such

1 ~~[woman]~~ person of ~~[the option of participating in pregnancy counseling~~  
2 ~~services and the right to abortion services]~~ their right to receive an  
3 abortion and their right to continue their pregnancy free from discrimi-  
4 nation. If such person chooses to continue their pregnancy, they shall  
5 be informed about the existence of services related to pregnancy and  
6 children including pregnancy or postpartum related health care and nurs-  
7 ery and parenting programs and shall be referred to the correctional or  
8 civilian staff or volunteers who provide such services. If such person  
9 chooses to have an abortion or requests information about abortion  
10 services, they shall be referred immediately to medical personnel in  
11 charge of facilitating those services and, if such person requests,  
12 shall have access to an abortion without delay. An institution or local  
13 correctional facility shall not impose a deadline for a person to  
14 receive an abortion that is contrary to section twenty-five hundred  
15 ninety-nine-bb of the public health law and shall not permit delays that  
16 interfere with such person's ability to receive an abortion within the  
17 timeframe permissible under such law. An institution or local correc-  
18 tional facility shall not coerce or otherwise attempt to influence a  
19 person's decisions about receiving an abortion or continuing their preg-  
20 nancy or impose punishment of any type upon a person for changing their  
21 mind about receiving an abortion or continuing their pregnancy.

22 § 2. Section 611 of the correction law is amended by adding four new  
23 subdivisions 5, 6, 7 and 8 to read as follows:

24 5. A person who gives birth in a hospital or medical facility while in  
25 custody of an institution or local correctional facility shall be  
26 located in the same area and provided with the same birthing and post-  
27 partum room accommodations as a person who gives birth while living in  
28 the community. These accommodations shall include placing such person's  
29 newborn in their room for the duration of their post-partum stay  
30 consistent with subdivision three of section twenty-five hundred five-a  
31 of the public health law, unless such person requests otherwise or  
32 hospital or medical facility personnel determine a different placement  
33 is necessary for the health of such person or their newborn. Such person  
34 shall be permitted to keep all health and newborn related supplies and  
35 equipment provided to them by the hospital or medical facility upon  
36 their return to the institution or local correctional facility, includ-  
37 ing but not limited to diapers, breast pump equipment, breastfeeding  
38 supplies, breast pads, sanitary napkins, underwear, water bottle, heat-  
39 ing pad, perineal squirt bottles, sitz baths, and health creams, oint-  
40 ments, and sprays. Such person and their newborn shall be provided with  
41 uninterrupted access to therapeutically equivalent medication as  
42 prescribed by medical personnel at the hospital or medical facility for  
43 a duration consistent with the timeframe prescribed by such personnel.

44 6. (a) For purposes of this subdivision, a breastfeeding parent is  
45 defined as:

46 (i) a parent in custody of an institution or local correctional facil-  
47 ity who lives with their child pursuant to subdivisions two and three of  
48 this section; and

49 (ii) a parent in custody of an institution or local correctional  
50 facility who is able to produce breast milk of any amount and whose  
51 child is living in the community and is thirty-six months of age or  
52 younger.

53 (b) (i) A breastfeeding parent as defined in paragraph (a) of this  
54 subdivision shall have the right to:

1 (A) breastfeed their child consistent with the rights enumerated in  
2 subdivision three of section twenty-five hundred five-a of the public  
3 health law;

4 (B) breastfeed their child in any location consistent with section  
5 seventy-nine-e of the civil rights law or use a breast pump or express  
6 breast milk in any location, provided that the institution or local  
7 correctional facility has authorized such parent and their child to be  
8 in such location;

9 (C) breastfeed and express breast milk at a frequency determined by  
10 such parent;

11 (D) store breast milk at the institution or local correctional facili-  
12 ty in a fashion consistent with the requirements set forth in paragraphs  
13 (f) and (g) of this subdivision; and

14 (E) if such parent is not living with their child, designate an indi-  
15 vidual in the community to gather breast milk from the institution or  
16 local correctional facility for the purpose of delivering the breast  
17 milk to their child.

18 (ii) An institution or local correctional facility shall not require a  
19 parent to breastfeed or discriminate against or penalize in any way a  
20 parent for their breastfeeding decisions and actions.

21 (c) (i) An institution or local correctional facility shall provide a  
22 breastfeeding parent, as defined in paragraph (a) of this subdivision,  
23 with adequate time to breastfeed and express and collect breastmilk and  
24 shall not penalize them for engaging in these activities consistent with  
25 section two hundred six-c of the labor law, including permitting breast-  
26 feeding parents to participate in jobs and programs that run simultane-  
27 ous to breastfeeding related activities.

28 (ii) The institution or local correctional facility shall also provide  
29 such parent with timely access to a room for breastfeeding or expressing  
30 breast milk consistent with section two hundred six-c of the labor law,  
31 including that the room shall be private, well lit, nearby access to  
32 clean running water, equipped with outlets for the use of an electric  
33 breast pump and, at a minimum, with a chair and working surface on which  
34 breast pump parts can be placed. Such room shall not be a restroom or  
35 toilet stall and shall not be used for any other purpose or function  
36 while being used for breastfeeding or expressing breast milk.

37 (d) (i) An institution or local correctional facility shall provide a  
38 breastfeeding parent, as defined in paragraph (a) of this subdivision,  
39 with the following:

40 (A) a personal electric pump with associated parts including flanges,  
41 valves, membranes, connections, tubes, and collection bottles;

42 (B) a personal manual pump;

43 (C) a personal breastfeeding cover, personal pillow, and other  
44 personal items that allow for comfort and privacy during breastfeeding  
45 and expressing breast milk;

46 (D) comprehensive current information about breastfeeding and lacta-  
47 tion that reflects standards of the department of health in a language  
48 and manner understandable to such parent; and

49 (E) access to breastfeeding and lactation assistance from personnel  
50 with relevant expertise and, if available, other individuals incarcerat-  
51 ed at the institution or local correctional facility who work in or  
52 otherwise support pregnancy or child related programming and are able to  
53 provide breastfeeding and lactation support.

54 (ii) The institution or local correctional facility shall bring such  
55 parent these materials upon their request in a timely fashion regardless  
56 of where such parent is located in the institution or facility.

1 (e) Upon such parent's request for infant formula, the institution or  
2 local correctional facility shall provide such parent with formula that  
3 meet standards and nutrient requirements set forth by the United States  
4 food and drug administration. If such parent determines that their  
5 infant is intolerant to or otherwise made physically uncomfortable by  
6 the formula provided, the institution or local correctional facility  
7 shall provide alternate formulas until such parent determines that one  
8 is sufficient for their infant. Prior to making their determination,  
9 such parent shall be afforded the opportunity to discuss formula related  
10 issues with personnel providing lactation care and pediatric care in  
11 that institution or local correctional facility.

12 (f) An institution or local correctional facility shall acquire breast  
13 pump parts and breast milk storage devices only from organizations and  
14 agencies that are in compliance with section 37-0505 of the environ-  
15 mental conservation law, and shall clean or allow a breastfeeding  
16 parent, as defined in paragraph (a) of this subdivision, to clean breast  
17 pump parts and breast milk storage devices at a frequency consistent  
18 with regulations set forth by the department of health.

19 (g) An institution or local correctional facility shall store breast-  
20 milk safely in a refrigerator or comparable cooling unit consistent with  
21 guidelines set forth by the department of health until it is ready for  
22 consumption by the child of a breastfeeding parent, as defined in para-  
23 graph (a) of this subdivision, or for pick up by a designated individual  
24 pursuant to paragraph (b) of this subdivision.

25 7. (a) The department and commission shall compile data outlined  
26 respectively in paragraphs (b) and (c) of this subdivision for an annual  
27 report to the governor, the temporary president of the senate, the  
28 minority leader of the senate, the speaker of the assembly, the minority  
29 leader of the assembly, the chairperson of the senate health committee,  
30 the chairperson of the senate crime victims, crime and correction  
31 committee, the chairperson of the assembly health committee, the chair-  
32 person of the assembly correction committee, the chairperson of the  
33 legislative women's caucus, and the chairperson of the Black, Puerto  
34 Rican, Hispanic and Asian legislative caucus. Such data shall be disag-  
35 gregated by institution and local correctional facility and reported in  
36 a de-identified fashion. Reports issued pursuant to this paragraph shall  
37 be posted on the websites maintained by the department and the commis-  
38 sion.

39 (b) Each institution shall work with relevant personnel and contracted  
40 external health care providers to collect the following data and provide  
41 it in a de-identified fashion to the department for the purpose outlined  
42 in paragraph (a) of this subdivision:

- 43 (i) the number of individuals known to be pregnant upon admission;  
44 (ii) the number of individuals identified as being pregnant while in  
45 custody, including the number participating in a work release program  
46 and the number in custody for a parole violation;  
47 (iii) the average daily census of pregnant individuals;  
48 (iv) the number of ectopic pregnancies, molar pregnancies, abortions,  
49 miscarriages, stillbirths, vaginal deliveries, and caesarean deliveries;  
50 (v) the number of pregnancies determined by medical personnel to be  
51 high risk and the reasons for such determinations;  
52 (vi) for each newborn, the gestational age at delivery, birth weight,  
53 and length of stay, if any, in a neonatal intensive care unit;  
54 (vii) for pregnant individuals, their race, ethnicity, gender identi-  
55 ty, age, crime of conviction, and county of conviction;

1 (viii) for individuals who apply for a nursery program, their race,  
2 ethnicity, gender identity, age, crime of conviction, and county of  
3 conviction, whether those individuals were approved or denied for the  
4 program, along with specific and detailed reasons for denials, including  
5 how they may relate to the crime of conviction, criminal record, custo-  
6 dial history, history of violence, history of involvement with child  
7 protective services, or history of substance use of the individual, the  
8 mental or physical health conditions of the individual or child, or the  
9 safety of the individual, child, or others in the nursery;

10 (ix) the number of babies who do not return to an institution with  
11 their parent and the reasons, including denial for a nursery program,  
12 and where those babies are placed, including non-kinship foster care,  
13 kinship foster care, with the other parent, with a friend, and with a  
14 family member not in foster care;

15 (x) for institutions with a nursery program, the number of nursery  
16 beds available and the number of beds utilized each month;

17 (xi) the length of time between each nursery application and decision,  
18 the length of time between each decision and the birth of the child, and  
19 if admission is granted, the length of time between the decision and  
20 placement of the individual in the nursery;

21 (xii) the number of individuals participating in the nursery program;

22 (xiii) the number of children who enter a nursery from the community;

23 (xiv) the number of individuals removed from the nursery disaggregated  
24 by race, ethnicity, gender identity, age, crime of conviction, county of  
25 conviction, and length of nursery stay, along with specific and detailed  
26 reasons for removals, including how they may relate to the crime of  
27 conviction, criminal record, custodial history, history of violence,  
28 history of involvement with child protective services, or history of  
29 substance use of the individual, the mental or physical health condi-  
30 tions of the individual or child, and the safety of the individual,  
31 child, or others in the nursery;

32 (xv) the number of babies removed from a nursery program and where  
33 those babies are placed, including non-kinship foster care, kinship  
34 foster care, with the other parent, with a friend, and with a family  
35 member not in foster care; and

36 (xvi) the number of babies who return to the community with their  
37 parent after being in a nursery program and the length of time spent in  
38 the nursery.

39 (c) Each local correctional facility shall work with relevant person-  
40 nel and contracted external health care providers to collect the follow-  
41 ing data and provide it in a de-identified fashion to the commission for  
42 the purpose outlined in paragraph (a) of this subdivision:

43 (i) the number of individuals known to be pregnant upon admission;

44 (ii) the number of individuals identified as being pregnant while in  
45 custody and the under custody status of each pregnant individual,  
46 including whether the individual is detained or sentenced;

47 (iii) the average daily census of pregnant individuals;

48 (iv) the number of ectopic pregnancies, molar pregnancies, abortions,  
49 miscarriages, still births, vaginal deliveries, and caesarean deliv-  
50 eries;

51 (v) the number of pregnancies determined by medical personnel to be  
52 high risk and the reasons for such determinations;

53 (vi) for each newborn, the gestational age at delivery, birth weight,  
54 and length of stay, if any, in a neonatal intensive care unit;

55 (vii) for pregnant individuals, their race, ethnicity, gender identi-  
56 ty, age, crime of conviction, and county of conviction;

1 (viii) for individuals who apply for a nursery program, their race,  
2 ethnicity, gender identity, age, crime of conviction, county of  
3 conviction, and under custody status, including whether the individual  
4 is detained or sentenced, whether those individuals were approved or  
5 denied for the program, along with specific and detailed reasons for  
6 denials, including how they may relate to the crime of conviction, crim-  
7 inal record, custodial history, history of violence, history of involve-  
8 ment with child protective services, or history of substance use of the  
9 individual, the mental or physical health conditions of the individual  
10 or child, or the safety of the individual, child, or others in the nurs-  
11 ery;

12 (ix) the number of babies who do not return to a local correctional  
13 facility with their parent and the reasons, including denial for a nurs-  
14 ery program, and where those babies are placed, including non-kinship  
15 foster care, kinship foster care, with the other parent, with a friend,  
16 and with a family member not in foster care;

17 (x) for local correctional facilities with a nursery program, the  
18 number of nursery beds available and the number of beds utilized each  
19 month;

20 (xi) the length of time between each nursery application and decision,  
21 the length of time between each decision and the birth of the child, and  
22 if admission is granted, the length of time between the decision and  
23 placement of the individual in the nursery;

24 (xii) the number of individuals participating in the nursery program;

25 (xiii) the number of children who enter a nursery from the community;

26 (xiv) the number of individuals removed from the nursery disaggregated  
27 by race, ethnicity, gender identity, age, crime of conviction, county of  
28 conviction, and length of nursery stay, along with specific and detailed  
29 reasons for removals, including how they may relate to the crime of  
30 conviction, criminal record, custodial history, history of violence,  
31 history of involvement with child protective services, or history of  
32 substance use of the individual, the mental or physical health condi-  
33 tions of the individual or child, and the safety of the individual,  
34 child, or others in the nursery;

35 (xv) the number of babies removed from a nursery program and where  
36 those babies are placed, including non-kinship foster care, kinship  
37 foster care, with the other parent, with a friend, and with a family  
38 member not in foster care; and

39 (xvi) the number of babies who return to the community with their  
40 parent after being in a nursery program and the length of time spent in  
41 the nursery.

42 8. Any person confined in an institution or local correctional facili-  
43 ty that houses pregnant or postpartum individuals or individuals who may  
44 become pregnant shall receive notice in writing in a language and manner  
45 understandable to them about the requirements contained in each subdivi-  
46 sion of this section upon their admission and again, regardless of the  
47 institution or local correctional facility in which they are housed, if  
48 they are known to be pregnant or to be a breastfeeding parent, as  
49 defined in paragraph (a) of subdivision six this section, or to be  
50 eligible for their child to join them in an institution or local correc-  
51 tional facility pursuant to subdivisions two and three of this section.  
52 The superintendent or sheriff shall publish notice of the requirements  
53 contained in each subdivision of this section in prominent locations  
54 where pregnancy related care and child related care are provided. The  
55 department and the sheriff shall provide annual training on the  
56 provisions contained in each subdivision of this section for all correc-

1 tional, civilian and volunteer personnel who are involved in the trans-  
2 portation, supervision or care of pregnant people or breastfeeding  
3 parents, as defined in paragraph (a) of subdivision six this section, or  
4 parents eligible for their child to join them in an institution or local  
5 correctional facility pursuant to subdivisions two and three of this  
6 section.

7 § 3. This act shall take effect immediately.