# STATE OF NEW YORK

383

2023-2024 Regular Sessions

# IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues

AN ACT to amend the correction law, in relation to requiring gynecological services to be offered to certain incarcerated individuals

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

Section 1. The correction law is amended by adding a new section 140-a to read as follows:

**§ 140-a. Provision for access to gynecological services. 1. All people with cervixes confined to a state or local correctional facility shall be provided annual access to gynecological services and visits with a licensed gynecologist, at no cost. Such services and visits shall be provided in accordance with standards developed in consultation with the department of health and the American college of obstetricians and gynecologists.**

**2. Any person with a cervix confined to a state or local correctional facility who wishes to decline the provision of such services set forth in subdivision one of this section shall do so in writing. Each correctional facility shall furnish a report to the commissioner each January stating the percentage of eligible confined persons who received gynecological services, the percentage who declined services, and copies of all written documents evidencing declined services.**

§ 2. 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 incarcerated individuals with cervixes,** the administration of medications or nutrition, the extraction of bodily fluids for analysis, and

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

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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.

§ 3. 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 incarcerated individuals with cervixes,** 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. This act shall take effect immediately.