

STATE OF NEW YORK

4264

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

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

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:

15 1. The administrative officer or other person in charge of a clinic or
16 other facility providing gynecological, obstetrical, genito-urological,
17 contraceptive, sterilization or termination of pregnancy services or
18 treatment shall require the staff of such clinic or facility to offer to
19 administer to every resident of the state of New York coming to such

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

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1 clinic or facility for such services or treatment, appropriate examina-
2 tions or tests for the detection of sexually transmitted diseases. For
3 the purposes of this subdivision, the term "facility" shall include a
4 correctional facility as defined in subdivision four of section two of
5 the correction law.

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

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

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

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

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

32 § 140-a. Prenatal care. If a pregnant woman is confined to a state or
33 local correctional facility, she shall be given prenatal care comparable
34 to such care available to women in the community. Such care shall
35 include regular check-ups throughout the course of her pregnancy and
36 education on healthy lifestyle choices of benefit to the woman and her
37 child. Pregnant women confined to such facilities shall also be given
38 prenatal vitamins and a specialized diet tailored to provide their
39 nutritional needs during pregnancy.

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

44 § 7. 1. The department of health, in cooperation with the department
45 of corrections and community supervision, shall conduct a study of
46 women's health care in prisons. Such study shall:

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

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

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

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

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

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

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

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

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