STATE OF NEW YORK

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2025-2026 Regular Sessions

IN ASSEMBLY

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Introduced by M. of A. ROSENTHAL, KELLES, CRUZ, GLICK, SEAWRIGHT, REYES, DAVILA, LUCAS, SIMON, SHIMSKY, LEVENBERG, TAPIA, SIMONE, RAGA, BURDICK, WEPRIN, LAVINE, GONZALEZ-ROJAS, PAULIN, MEEKS, HEVESI, BURROUGHS, GALLAGHER, OTIS, FORREST, GIBBS -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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:

Section 1. Section 611 of the correction law is amended by adding four new subdivisions 5, 6, 7 and 8 to read as follows:

5. A person who gives birth in a hospital or medical facility while in the custody of an institution or local correctional facility shall be permitted to keep all health and newborn related supplies and equipment provided to them by the hospital or medical facility upon their return to the institution or local correctional facility, including but not limited to diapers, breast pump equipment, breastfeeding supplies, breast pads, sanitary napkins, underwear, water bottle, heating pad, perineal squirt bottles, sitz baths, and health creams, ointments, and sprays. Such person and their newborn shall be provided with uninterrupted access to therapeutically equivalent medication as prescribed by medical personnel at the hospital or medical facility for a duration consistent with the timeframe prescribed by such personnel.

6. For purposes of this subdivision, a "breastfeeding parent" shall mean a parent incarcerated in an institution or local correctional facility who is able to produce breast milk of any amount.

(a) A breastfeeding parent shall have the right to:

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

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(i) breastfeed their child consistent with subdivision three of section twenty-five hundred five-a of the public health law when such child remains in the institution or local correctional facility with the breastfeeding parent;

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

(iii) breastfeed and express breast milk at a frequency determined by such parent;

(iv) store breast milk at the institution or local correctional facility;

(v) personal possession of an electric and manual pump; and

(vi) if such parent is not living with their child, designate an individual in the community to gather breast milk from the institution or local correctional facility for the purpose of delivering the breast milk to their child.

(b) A breastfeeding parent shall not be required to breastfeed or shall not be discriminated against or penalized in any way for any breastfeeding decisions and actions consistent with paragraph (a) of this subdivision.

(c) A breastfeeding parent participating in jobs and programs shall not be penalized for engaging in activities consistent with section two hundred six-c of the labor law, and shall be provided with the same accommodations as required under such section of the labor law.

(d) A breastfeeding parent shall be provided with the following:

(i) a personal double electric pump with associated parts including flanges; valves, membranes, connections, tubes, and collection bottles, which the parent shall be permitted to keep upon release or relocation;

(ii) a personal manual pump, which the parent shall be permitted to keep upon release or relocation;

(iii) a personal breastfeeding cover, personal pillow, and other personal items that allow for comfort and privacy during breastfeeding and expressing breast milk, which the parent shall be permitted to keep upon release or relocation;

(iv) comprehensive current information about breastfeeding and lactation that reflects standards of the department of health in a language and manner understandable to such parent; and

(v) access to breastfeeding and lactation assistance from personnel with relevant expertise.

(e) Restrictions on personal possession of an electric and manual pump shall include:

(i) A breastfeeding parent's personal possession of an electric and manual pump may be restricted only in the event that such personal possession would pose a risk of serious bodily harm to themself or others, and provided that such restriction shall be for the shortest duration and the least restrictive means necessary to manage such risk. Notwithstanding any restriction, the breastfeeding parent shall continue to be provided the opportunity to express breast milk at the frequency determined by such breastfeeding parent.

(ii) In the event that a determination is made to restrict a breastfeeding parent's personal possession of an electric and/or manual pump pursuant to subparagraph (i) of this paragraph, correctional personnel shall contemporaneously document in writing the facts on which the determination was based. This documentation shall include, to the extent

practicable, the means by which personal possession of pumping equipment was restricted, what efforts were made to mitigate the risk of harm, the duration of the restriction, and what alternative arrangements were made to facilitate expression of breast milk while the restriction was in effect.

(iii) The department shall report annually to the governor, the temporary president of the senate, and the speaker of the assembly on the actions taken pursuant to subparagraph (ii) of this paragraph, including, but not limited to, the number of times a breastfeeding parent's personal possession of an electric and/or manual pump was restricted.

(f) A pregnant person or breastfeeding parent may explicitly inform medical personnel that they do not wish to receive any or all of the items to which they are entitled under subparagraphs (i), (ii) and (iii) of paragraph (d) of this subdivision, provided, however, that such parent may, at any point, change their mind and request such items, and they shall be provided.

(g) Upon the request of a parent in custody who lives with their child pursuant to subdivision two or three of this section, such parent shall be provided infant formula that meets standards and nutrient requirements set forth by the United States food and drug administration. If such parent determines that their infant is intolerant to or otherwise made physically uncomfortable by the formula provided, an alternate formula shall be provided and an opportunity to discuss formula related issues with personnel providing lactation care and pediatric care shall be made available.

(h) Only organizations and agencies that are in compliance with section 37-0505 of the environmental conservation law shall be eligible suppliers of breast pump parts and breast milk storage devices.

(i) Breast pump parts and breast milk storage devices shall be cleaned at a frequency consistent with regulations set forth by the department of health.

(j) An institution or local correctional facility shall promptly collect, label, safely handle, and store breast milk in a refrigerator or comparable cooling unit consistent with milk storage guidelines set forth by the American Academy of Pediatrics until it is ready for consumption by the child of a breastfeeding parent or for pick-up by a designated individual pursuant to paragraph (a) of this subdivision. The collection, storage, and pick-up of breast milk shall be logged, including date and time, by the institution or local correctional facility. The chief administrative officer, in consultation with the chief medical officer of each institution or local correctional facility shall develop and implement written policies and procedures for the safe handling and storage of breast milk consistent with the requirements of this section.

7. (a) The department and commission shall compile data outlined in paragraph (b) of this subdivision for an annual report to the governor, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, the minority leader of the assembly, the chairperson of the senate health committee, the chairperson of the senate crime victims, crime and correction committee, the chairperson of the assembly health committee, the chairperson of the assembly correction committee, the chairperson of the legislative women's caucus, and the chairperson of the Black, Puerto Rican, Hispanic and Asian legislative caucus. Data compiled pursuant to subparagraphs (i) through (viii) of paragraph (b) of this subdivision shall be disaggregated by institution and local correctional facility and shall not include

personally identifiable information. Data compiled pursuant to subparagraphs (ix) through (xix) of paragraph (b) of this subdivision shall be reported in the aggregate across all local correctional facilities and across all institutions and shall not include personally identifiable information. Reports issued pursuant to this paragraph shall be posted on the websites maintained by the department and the commission.

(b) Each institution and local correctional facility shall work with relevant personnel and contracted external health care providers to collect and record the following data and provide it in a manner that does not include personally identifiable information to the department and the commission for the purpose outlined in paragraph (a) of this subdivision. Each institution and local correctional facility shall maintain data collected pursuant to this section for at least ten years in an easily retrievable and searchable format, which shall include:

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

(ii) the number of individuals identified as being pregnant while in custody, including the number participating in a work release program and the number in custody for a parole violation;

(iii) the average daily census of pregnant individuals;

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

(v) the length of time between each nursery application and decision, the length of time between each decision and the birth of the child, and if admission is granted, the length of time between the decision and placement of the individual in the nursery;

(vi) the specific and detailed reasons for nursery application denials, including how they may relate to the crime of conviction, criminal record, custodial history, history of violence, history of involvement with child protective services, or history of substance use of the individual, the mental or physical health conditions of the individual or child, or the safety of the individual, child, or others in the nursery;

(vii) the number of individuals removed from the nursery;

(viii) the specific and detailed reasons for removals from the nursery, including how they may relate to the crime of conviction, criminal record, custodial history, history of violence, history of involvement with child protective services, or history of substance use of the individual, the mental or physical health conditions of the individual or child, and the safety of the individual, child, or others in the nursery;

(ix) the number of individuals who apply for a nursery program, disaggregated by race, ethnicity, gender identity, age, crime of conviction, and county of conviction;

(x) the number of individuals whose applications to a nursery program are denied, disaggregated by race, ethnicity, gender identity, age, crime of conviction, and county of conviction;

(xi) the number of individuals who are removed from a nursery program, disaggregated by race, ethnicity, gender identity, age, crime of conviction, and county of conviction;

(xii) the number of babies who return to an institution with their parent, disaggregated by the race of the birthing parent;

(xiii) the number of babies who do not return to an institution with their parent and where those babies are placed, including non-kinship foster care, kinship foster care, with the other parent, with a friend, and with a family member not in foster care;

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

(xv) the number of babies who return to the community with their parent after being in a nursery program and the length of time spent in the nursery;

(xvi) the number of pregnant individuals, disaggregated by race, ethnicity, gender identity, age, crime of conviction, and county of conviction;

(xvii) the number of ectopic pregnancies, molar pregnancies, abortions, miscarriages, stillbirths, vaginal deliveries, and caesarean deliveries;

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

(xix) the gestational ages at delivery of all newborns, birth weights of all newborns, and durations of all stays in a neonatal intensive care unit.

8. Any person confined in an institution or local correctional facility that houses pregnant or postpartum individuals or individuals who may become pregnant shall receive notice in writing in a language and manner understandable to them about the requirements contained in each subdivision of this section upon their admission, regardless of the institution or local correctional facility in which they are housed, if they are known to be pregnant or to be a breastfeeding parent, or to be eligible for their child to join them in an institution or local correctional facility pursuant to subdivisions two and three of this section. The superintendent or sheriff shall publish notice of the requirements contained in each subdivision of this section in prominent locations where pregnancy related care and child related care are provided. The department and the sheriff shall provide annual training on the provisions contained in each subdivision of this section for all correctional, civilian and volunteer personnel who are involved in the transportation, supervision or care of pregnant people or breastfeeding parents, as defined in subdivision six of this section, or parents eligible for their child to join them in an institution or local correctional facility pursuant to subdivisions two and three of this section.

§ 2. This act shall take effect immediately.