

STATE OF NEW YORK

1607--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 10, 2025

Introduced by M. of A. ROSENTHAL, KELLES, CRUZ, GLICK, SEAWRIGHT, REYES, DAVILA, LUCAS, SIMON, SHIMSKY, LEVENBERG, TAPIA, SIMONE, RAGA, BURDICK, WEPRIN, LAVINE, GONZALEZ-ROJAS -- read once and referred to the Committee on Correction -- 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. Section 611 of the correction law is amended by adding four
2 new subdivisions 5, 6, 7 and 8 to read as follows:

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

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

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

20 (ii) a parent in custody of an institution or local correctional
21 facility who is able to produce breast milk of any amount and whose

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

LBD04407-10-5

1 child is living in the community and is thirty-six months of age or
2 younger.

3 (b) (i) A breastfeeding parent shall have the right to:

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

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

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

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

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

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

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

28 (d) An institution or local correctional facility shall provide a
29 breastfeeding parent, as defined in paragraph (a) of this subdivision,
30 with the following:

31 (i) a personal electric pump with associated parts including flanges,
32 valves, membranes, connections, tubes, and collection bottles;

33 (ii) a personal manual pump;

34 (iii) a personal breastfeeding cover, personal pillow, and other
35 personal items that allow for comfort and privacy during breastfeeding
36 and expressing breast milk;

37 (iv) comprehensive current information about breastfeeding and lacta-
38 tion that reflects standards of the department of health in a language
39 and manner understandable to such parent; and

40 (v) access to breastfeeding and lactation assistance from personnel
41 with relevant expertise and, if available, other individuals incarcerat-
42 ed at the institution or local correctional facility who work in or
43 otherwise support pregnancy or child related programming and are able to
44 provide breastfeeding and lactation support.

45 (e) Upon such parent's request for infant formula, the institution or
46 local correctional facility shall provide such parent with formula that
47 meet standards and nutrient requirements set forth by the United States
48 food and drug administration. If such parent determines that their
49 infant is intolerant to or otherwise made physically uncomfortable by
50 the formula provided, the institution or local correctional facility
51 shall provide alternate formulas until such parent determines that one
52 is sufficient for their infant. Prior to making their determination,
53 such parent shall be afforded the opportunity to discuss formula related
54 issues with personnel providing lactation care and pediatric care in
55 that institution or local correctional facility.

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

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

14 7. (a) The department and commission shall compile data outlined in
15 paragraph (b) of this subdivision for an annual report to the governor,
16 the temporary president of the senate, the minority leader of the
17 senate, the speaker of the assembly, the minority leader of the assem-
18 bly, the chairperson of the senate health committee, the chairperson of
19 the senate crime victims, crime and correction committee, the chair-
20 person of the assembly health committee, the chairperson of the assembly
21 correction committee, the chairperson of the legislative women's caucus,
22 and the chairperson of the Black, Puerto Rican, Hispanic and Asian
23 legislative caucus. Data compiled pursuant to subparagraphs (i) through
24 (viii) of paragraph (b) of this subdivision shall be disaggregated by
25 institution and local correctional facility and shall not include
26 personally identifiable information. Data compiled pursuant to subpara-
27 graphs (ix) through (xix) of paragraph (b) of this subdivision shall be
28 reported in the aggregate across all local correctional facilities and
29 across all institutions and shall not include personally identifiable
30 information. Reports issued pursuant to this paragraph shall be posted
31 on the websites maintained by the department and the commission.

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

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

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

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

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

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

51 (vi) the specific and detailed reasons for nursery application
52 denials, including how they may relate to the crime of conviction, crim-
53 inal record, custodial history, history of violence, history of involve-
54 ment with child protective services, or history of substance use of the
55 individual, the mental or physical health conditions of the individual

1 or child, or the safety of the individual, child, or others in the nurs-
2 ery;

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

4 (viii) the specific and detailed reasons for removals from the nurs-
5 ery, including how they may relate to the crime of conviction, criminal
6 record, custodial history, history of violence, history of involvement
7 with child protective services, or history of substance use of the indi-
8 vidual, the mental or physical health conditions of the individual or
9 child, and the safety of the individual, child, or others in the nurs-
10 ery;

11 (ix) the number of individuals who apply for a nursery program, disag-
12 gregated by race, ethnicity, gender identity, age, crime of conviction,
13 and county of conviction;

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

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

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

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

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

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

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

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

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

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

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

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

8 § 2. This act shall take effect immediately.