

# STATE OF NEW YORK

738

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. ROSENTHAL, LUPARDO, SIMON, SEAWRIGHT, COOK, HYNDMAN, WALKER, COLTON, WEPRIN, TAYLOR, STIRPE, JACOBSON, EPSTEIN, BURDICK, JACKSON, BICHOTTE HERMELYN, KELLES, GONZALEZ-ROJAS, LUNSFORD, REYES, GIBBS, JENSEN, RAGA, ZINERMAN, SHRESTHA, FORREST -- read once and referred to the Committee on Correction

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:

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

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1 1. The administrative officer or other person in charge of a clinic or  
2 other facility providing gynecological, obstetrical, genito-urological,  
3 contraceptive, sterilization or termination of pregnancy services or  
4 treatment shall require the staff of such clinic or facility to offer to  
5 administer to every resident of the state of New York coming to such  
6 clinic or facility for such services or treatment, appropriate examina-  
7 tions or tests for the detection of sexually transmitted diseases. For  
8 the purpose of this subdivision, the term "facility" shall include a  
9 correctional facility as defined in subdivision four of section two of  
10 the correction law.

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

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

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

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

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

37 § 140-a. Prenatal care. If a pregnant person is confined to a state  
38 or local correctional facility, such person shall be given prenatal care  
39 comparable to such care available to pregnant persons in the community.  
40 Such care shall include regular check-ups throughout the course of such  
41 person's pregnancy and education on healthy lifestyle choices of benefit  
42 to such person and such person's child. Pregnant persons confined to  
43 such facilities shall also be given prenatal vitamins and a specialized  
44 diet tailored to provide their nutritional needs during pregnancy.

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

49 § 7. 1. The department of health, in cooperation with the department  
50 of corrections and community supervision, shall conduct a study of  
51 women's health care in prisons. Such study shall:

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

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

1 c. determine how long it takes for women in prisons to be seen by a  
2 medical professional;  
3 d. identify what issues women in prisons are most often being seen  
4 for;  
5 e. determine the outcomes of women in prisons being seen by a medical  
6 professional; and  
7 f. investigate anything deemed relevant by the commissioner of health  
8 or the commissioner of corrections and community supervision for the  
9 purposes of this study.

10 2. Upon completion of the study required by subdivision one of this  
11 section, the commissioner of health, or such commissioner's designee,  
12 shall prepare a report to be given to the governor and the legislature  
13 which shall include the findings of such study. Such report shall be  
14 filed within one year of the effective date of this act, unless the  
15 commissioner of health requests in writing, an extension of time.

16 3. All other departments or agencies of the state or subdivisions  
17 thereof, and local governments shall, at the request of the commissioner  
18 of health or the commissioner of corrections and community supervision,  
19 provide expertise, assistance, and data that will enable such commis-  
20 sioner to carry out such commissioner's powers and duties.

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