Offered by:
SEN. DOYLE, 9th Dist.  REP. TONG, 147th Dist.
SEN. KISSEL, 7th Dist.  REP. PORTER, 94th Dist.
SEN. WINFIELD, 10th Dist.  REP. CURREY, 11th Dist.

To: Subst. Senate Bill No. 13  File No. 603  Cal. No. 354

"AN ACT CONCERNING FAIR TREATMENT OF INCARCERATED WOMEN."

1 Strike section 1 in its entirety and insert the following in lieu thereof:

"Section 1. (NEW) (Effective October 1, 2018) (a) The Commissioner of Correction shall ensure that at least one departmental or contracted, licensed health care provider who is employed at the York Correctional Institution (1) has been trained in prenatal and postpartum medical care, and (2) has knowledge of and the ability to educate any inmate who is pregnant concerning prenatal nutrition, high-risk pregnancy and addiction and substance abuse during pregnancy and childbirth.

(b) Upon admission to the York Correctional Institution, each inmate shall be assessed for pregnancy by a licensed health care provider. The licensed health care provider shall inform the inmate of any necessary medical tests associated with the pregnancy assessment..."
prior to the administration of such tests.

(c) The York Correctional Institution shall provide each inmate who is pregnant with: (1) Counseling and written material, in a form that may be reasonably understood, concerning (A) the inmate's options with regard to her pregnancy, (B) prenatal nutrition, (C) maintaining a healthy pregnancy, (D) labor and delivery, (E) the postpartum period, (F) the institution's policies and practices regarding the care of an inmate during pregnancy, labor and delivery and the postpartum period, and (G) restrictions on the use of restraints on pregnant inmates, (2) medical care at the correctional institution, which shall include, but not be limited to: (A) Periodic health monitoring and evaluation during pregnancy, and (B) prenatal vitamins or supplements, as deemed necessary by a licensed health care provider, (3) a diet containing the nutrients necessary to maintain a healthy pregnancy, as determined by a licensed health care provider trained in prenatal care, (4) the clothing, undergarments and sanitary materials deemed appropriate by a licensed health care provider who has been trained in prenatal and postpartum medical care, (5) the opportunity for a minimum of one hour of ambulatory movement every day, and (6) access to treatment for postpartum depression by a qualified mental health professional, provided such treatment is deemed necessary by a licensed health care provider who has been trained in postpartum medical care. If a departmental or contracted licensed health care provider in prenatal medical care, or any other health care professional who evaluates or treats an inmate who is pregnant, determines that the inmate's pregnancy is high risk or involves any other medical complication for either the inmate or the baby, such inmate shall be immediately transferred to the medical infirmary setting or any hospital deemed appropriate, as determined by such health care provider or professional. The written material provided to an inmate pursuant to subdivision (1) of this subsection shall be known as the "Pregnant Woman's Guide".

(d) Except as provided in this subsection, correctional staff of the York Correctional Institution shall not use any leg or waist restraint on
any inmate of the institution who is known to be pregnant or in the postpartum period. An inmate known to be pregnant may only be restrained using handcuffs that are placed on the wrists held in front of the inmate's body, except an inmate may be placed in wrist, leg or waist restraints if (1) there are compelling grounds to believe that an inmate presents (A) an immediate and serious threat of harm to herself, staff and others, or (B) a substantial flight risk and cannot be reasonably contained by other means, and (2) use of such restraints is approved by the unit administrator of the institution, or his or her designee, except under exigent circumstances. Such restraints shall be the least restrictive kind of restraints considering the circumstances. Correctional staff shall document, in writing, the reasons for such determination, the kind of restraints used and the reasons staff considered such restraints to be the least restrictive kind available and the most reasonable means of preventing harm or escape. The correctional staff of the York Correctional Institution shall ensure that any inmate, who is determined to be in the second or third trimester of a pregnancy by a licensed health care provider, is transported to and from visits to health care providers and court proceedings in a vehicle with seatbelts. If an attending physician or advanced practice registered nurse requests that the inmate's restraints be removed for medical reasons, correctional staff shall immediately remove the restraints. Nothing in this subsection shall prohibit the use of medical restraints by a licensed health care provider to ensure the medical safety of the inmate. As used in this subsection and subsection (e) of this section, "restraints" means metal handcuffs, metal leg restraints and waist and tether chains.

(e) Each pregnant inmate of the York Correctional Institution shall receive labor and delivery services in a hospital deemed appropriate by a departmental or contracted, licensed health care provider. Notwithstanding the provisions of subsection (d) of this section, an inmate who is in any stage of labor or delivery, as determined by a licensed health care provider, shall not be placed in restraints at any time, including, but not limited to, during transportation to the hospital.
hospital. If a correction officer is present with the inmate during any stage of labor or delivery, such correction officer shall be female, if possible. Such correction officer shall be positioned in a location that ensures the inmate's privacy, to the extent possible.

(f) Any inmate in the postpartum period shall be assessed by a licensed health care provider upon return to the correctional institution. Each inmate in the postpartum period shall be housed in a medical or mental health housing unit at the correctional institution until discharged by a licensed health care provider.

(g) The York Correctional Institution shall provide a pregnant inmate, prior to the inmate's release, with counseling and discharge planning to ensure, to the extent feasible, the continuity of prenatal and pregnancy-related care, including substance abuse programs and treatment referrals when deemed appropriate.

In line 96, insert a period after "babies" and strike "and a neonatal intensive care unit"

Strike lines 97 and 98 in their entirety

In line 148, after the closing bracket insert, "in consultation with the Department of Mental Health and Addiction Services,"

Strike section 8 in its entirety and substitute the following in lieu thereof:

"Sec. 8. (NEW) (Effective July 1, 2018) Any inmate of a correctional institution, as described in section 18-78 of the general statutes, who has a gender identity that differs from the inmate's assigned sex at birth and has a diagnosis of gender dysphoria, as set forth in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", shall: (1) Be addressed by correctional staff in a manner that is consistent with the inmate's gender identity, (2) have access to commissary items, clothing, personal property, programming and educational materials that are

"
consistent with the inmate's gender identity, and (3) have the right to
be searched by a correctional staff member of the same gender identity,
unless the inmate requests otherwise or under exigent circumstances.
An inmate who has a birth certificate, passport, or driver's license that
reflects his or her gender identity or who can meet established
standards for obtaining such a document to confirm the inmate's
gender identity shall presumptively be placed in a correctional
institution with inmates of the gender consistent with the inmate's
gender identity. Such presumptive placement may be overcome by a
demonstration by the Commissioner of Correction, or the
commissioner's designee, that the placement would present significant
safety, management, or security problems. In making determinations
pursuant to this section, the inmate's views with respect to his or her
safety shall be given serious consideration by the Commissioner of
Correction, or the commissioner's designee."

After the last section, add the following and renumber sections and
internal references accordingly:

"Sec. 501. (Effective from passage) On or before October 1, 2019, the
Commissioner of Correction, or the commissioner's designee, shall
report in accordance with the provisions of section 11-4a of the general
statutes to the joint standing committee of the General Assembly
having cognizance of matters relating to the judiciary on instances
during the period of time from July 1, 2018, to June 30, 2019, in which
(1) more than one type of restraint, as described in subsection (d) of
section 1 of this act, was simultaneously used on a pregnant inmate, (2)
an inmate incarcerated in a correctional institution has given birth
outside of a traditional hospital setting, and (3) a pregnant inmate was
held in administrative segregation."

This act shall take effect as follows and shall amend the following
sections:

<table>
<thead>
<tr>
<th>Section</th>
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<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1</td>
<td>October 1, 2018</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 8</td>
<td>July 1, 2018</td>
<td>New section</td>
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<tr>
<td>Sec. 501</td>
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<td>New section</td>
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