



General Assembly

Amendment

February Session, 2018

LCO No. 4718



Offered by:

SEN. DOYLE, 9th Dist.
SEN. WINFIELD, 10th Dist.
REP. TONG, 147th Dist.
REP. PORTER, 94th 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:

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

10 (b) Upon admission to the York Correctional Institution, each
11 inmate shall be assessed for pregnancy by a licensed health care

12 provider. The licensed health care provider shall inform the inmate of
13 any necessary medical tests associated with the pregnancy assessment
14 prior to the administration of such tests.

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

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

75 (e) Each pregnant inmate of the York Correctional Institution shall
76 receive labor and delivery services in a hospital deemed appropriate
77 by a departmental or contracted, licensed health care provider.
78 Notwithstanding the provisions of subsection (d) of this section, an
79 inmate who is in any stage of labor or delivery, as determined by a

80 licensed health care provider, shall not be placed in restraints at any
81 time, including, but not limited to, during transportation to the
82 hospital. If a correction officer is present with the inmate during any
83 stage of labor or delivery, such correction officer shall be female, if
84 possible. Such correction officer shall be positioned in a location that
85 ensures the inmate's privacy, to the extent possible.

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

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

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

98 Strike lines 97 and 98 in their entirety

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

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

103 "Sec. 8. (NEW) (*Effective July 1, 2018*) Any inmate of a correctional
104 institution, as described in section 18-78 of the general statutes, who
105 has a gender identity that differs from the inmate's assigned sex at
106 birth and has a diagnosis of gender dysphoria, as set forth in the most
107 recent edition of the American Psychiatric Association's "Diagnostic
108 and Statistical Manual of Mental Disorders", shall: (1) Be addressed by
109 correctional staff in a manner that is consistent with the inmate's

110 gender identity, (2) have access to commissary items, clothing,
111 personal property, programming and educational materials that are
112 consistent with the inmate's gender identity, and (3) have the right to
113 be searched by a correctional staff member of the same gender identity,
114 unless the inmate requests otherwise or under exigent circumstances.
115 An inmate who has a birth certificate, passport, or driver's license that
116 reflects his or her gender identity or who can meet established
117 standards for obtaining such a document to confirm the inmate's
118 gender identity shall presumptively be placed in a correctional
119 institution with inmates of the gender consistent with the inmate's
120 gender identity. Such presumptive placement may be overcome by a
121 demonstration by the Commissioner of Correction, or the
122 commissioner's designee, that the placement would present significant
123 safety, management, or security problems. In making determinations
124 pursuant to this section, the inmate's views with respect to his or her
125 safety shall be given serious consideration by the Commissioner of
126 Correction, or the commissioner's designee."

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

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

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

Section 1	<i>October 1, 2018</i>	New section
Sec. 8	<i>July 1, 2018</i>	New section
Sec. 501	<i>from passage</i>	New section