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HOUSE BILL NO. 2325

Offered January 13, 2025

Prefiled January 8, 2025

A BILL to direct the State Board of Local and Regional Jails to convene a work group to review standards and regulations for pregnant and postpartum incarcerated persons in local and regional correctional facilities; report.

Patron—Simonds

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. § 1. That the State Board of Local and Regional Jails (the Board) shall convene a work group to conduct a review of and collect data regarding pregnant and postpartum incarcerated persons, including lactation policies for incarcerated persons and their infants, and to report on the findings of such review. Such report shall include recommendations for establishing new standards and applicable regulations for pregnant and postpartum incarcerated persons in local and regional correctional facilities. In conducting its review, the work group shall (i) identify and analyze current lactation policies implemented by local and regional correctional facilities during the postpartum period; (ii) identify and analyze current data collection and reporting on pregnant and postpartum incarcerated persons; (iii) compare such policies to the best practices recommended by the American Correctional Association, the American Jail Association, the National Commission on Correctional Health Care, and the American College of Obstetricians and Gynecologists; and (iv) develop standards to ensure that (a) proper services are provided to incarcerated persons during the lactation period consistent with such identified best practices and (b) data on this population of incarcerated persons is collected regularly and made publicly available. The work group shall be composed of at least two formerly incarcerated persons who were lactating while incarcerated in a local or regional correctional facility and one or more of the following members: a representative of the Virginia Sheriffs' Association, a representative from the Virginia Association of Regional Jails, a physician and a mental health professional who have experience providing care to incarcerated persons, an obstetrician, a provider of doula services to persons incarcerated in local or regional correctional facilities, a representative from an organization that advocates for incarcerated persons, and any other relevant stakeholders. No more than half of the work group members shall be employees or under contract with a local or regional correctional facility. In conducting its review, the work group may consult, as necessary, with other relevant stakeholders and experts, including the Department of the Treasury's Division of Risk Management.

In developing recommendations for such standards and regulations, the work group shall consider the following best practices: (1) allowing an immediately postpartum incarcerated person to breastfeed the infant at the hospital; (2) ensuring that no incarcerated person who has just given birth is separated from the infant unless such separation is medically necessary prior to discharge from the hospital; (3) allowing an incarcerated person who has just given birth to have access to lactation support services; (4) screening an incarcerated woman upon entry to a local or regional correctional facility to determine whether she has given birth within the last two years and whether she is currently lactating; (5) providing accommodation for lactation, including providing a manual or electric breast pump and related storage bags, a private area to pump on a regular basis, a freezer, a system for proper storage of breast milk, and, when possible, the opportunity to provide such breast milk to the infant; (6) supporting frequent visiting arrangements that allow direct contact between an infant and a breastfeeding or non-breastfeeding birth parent who is incarcerated; (7) providing appropriate supplemental nutrition for incarcerated persons who are nursing or lactating; and (8) collecting and publicly reporting data to help state and local governments determine how to improve services and supports for nursing mothers and their children. The work group shall report its findings and recommendations to the Secretary of Public Safety and Homeland Security and to the Chairmen of the Senate and House Committees for Courts of Justice, the Senate Committee on Rehabilitation and Social Services, and the House Committee on Public Safety by July 1, 2026, and shall publish such report on the Board's website.

For purposes of this act, "lactation" means the same as that term is defined in § 2.2-3905 of the Code of Virginia.

2. That the State Board of Local and Regional Jails shall adopt regulations consistent with the findings and recommendations required by this act by December 1, 2027.

INTRODUCED

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