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SENATE BILL NO. 1384

Offered January 13, 2025

Prefiled January 13, 2025

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.011, by adding in Article 2.2 of Chapter 2 of Title 53.1 a section numbered 53.1-40.17, and by adding in Article 7 of Chapter 3 of Title 53.1 a section numbered 53.1-133.06, relating to childbirth; physiologic postpartum process.

Patrons—Aird, Carroll Foy, Locke and Williams Graves; Delegates: Bennett-Parker and Price

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.011, by adding in Article 2.2 of Chapter 2 of Title 53.1 a section numbered 53.1-40.17, and by adding in Article 7 of Chapter 3 of Title 53.1 a section numbered 53.1-133.06 as follows:

§ 32.1-137.011. Childbirth; physiologic postpartum process; doulas.

A. For the purposes of this section:

"Doula" means a person who provides physical, emotional, and informational support to a pregnant person before, during, and after pregnancy.

"Physiologic birth" means labor and birth powered by the innate human capacity of a pregnant person and the pregnant person's fetus, which includes endogenous hormone systems.

"Physiologic postpartum process" means the biologic process that happens to both the newborn and birthing person after delivery due to endogenous hormone systems.

B. Except as provided in §§ 53.1-40.17 and 53.1-133.06, a health care facility that provides services related to labor and childbirth shall develop policies that:

1. Allow every birthing person to have a companion or doula with the person during birth or cesarean section in addition to a partner or spouse;

2. Prioritize newborns bonding with their families in order to facilitate the physiologic postpartum process;

3. Will not exclude from care any person experiencing physiologic birth or cesarean section, or interrupt the process of physiologic birth or cesarean section without the informed consent of the birthing person;

4. Detail the facility's process related to receiving a pregnant person's patient information from any provider regulated under Title 54.1 who has provided care for the pregnant person;

5. Establish processes to transfer and receive pregnant persons across levels of care of licensed facilities within the facility's capacity and capability; and

6. Establish a process to receive individuals who are pregnant, undergoing physiologic birth or cesarean section, or in the physiologic postpartum process from locations other than licensed facilities, including a process to receive verbal and written information from individuals with relevant information, including family members, doulas, or a health care provider regulated under Title 54.1.

§ 53.1-40.17. Childbirth; physiologic postpartum process.

A. For purposes of this section:

"Physiologic birth" means labor and birth powered by the innate human capacity of a pregnant person and the pregnant person's fetus, which includes endogenous hormone systems.

"Physiologic postpartum process" means the biologic process that happens to both the newborn and birthing person after delivery due to endogenous hormone systems.

B. The Department shall promulgate regulations for labor and childbirth services provided to a birthing person who is in custody in a health facility that:

1. Prioritize newborns bonding with their families in order to facilitate the physiologic postpartum process, unless:

a. The parent or legal guardian of the newborn consents to medical treatment;

b. The newborn is released to a legal guardian; or

c. The birthing person is released from custody after labor and delivery; and

2. Will not exclude from care any person experiencing physiologic birth or cesarean section, or interrupt the process of physiologic birth or cesarean section without the informed consent of the birthing person.

§ 53.1-133.06. Childbirth; physiologic postpartum process.

A. For purposes of this section:

"Physiologic birth" means labor and birth powered by the innate human capacity of a pregnant person

and the pregnant person's fetus, which includes endogenous hormone systems.

"Physiologic postpartum process" means the biologic process that happens to both the newborn and birthing person after delivery due to endogenous hormone systems.

B. The Board shall promulgate regulations for labor and childbirth services provided to a birthing person who is in custody in a health facility that:

1. Prioritize newborns bonding with their families in order to facilitate the physiologic postpartum process, unless:

a. The parent or legal guardian of the newborn consents to medical treatment;

b. The newborn is released to a legal guardian; or

c. The birthing person is released from custody after labor and delivery; and

2. Will not exclude from care any person experiencing physiologic birth or cesarean section, or interrupt the process of physiologic birth or cesarean section without the informed consent of the birthing person.