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HOUSE BILL NO. 2325  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Rules  
on \_\_\_\_\_)  
(Patron Prior to Substitute—Delegate Simonds)

*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.*

**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 considering 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 from the Virginia Sheriffs' Association, the Virginia Association of Regional Jails, the Department of Social Services, the Virginia Association of Counties, and the State Compensation Board, 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*

31 *conducting its review, the work group may consult, as necessary, with other relevant stakeholders and*  
32 *experts, including the Department of the Treasury's Division of Risk Management.*

33 *In developing recommendations for such standards and regulations, the work group shall consider: (1)*  
34 *allowing an immediately postpartum incarcerated person to breastfeed the infant at the hospital; (2) ensuring*  
35 *that no incarcerated person who has just given birth is separated from the infant unless such separation is*  
36 *medically necessary prior to discharge from the hospital; (3) allowing an incarcerated person who has just*  
37 *given birth to have access to lactation support services; (4) screening an incarcerated woman upon entry to a*  
38 *local or regional correctional facility to determine whether she has given birth within the last two years and*  
39 *whether she is currently lactating; (5) providing accommodation for lactation, including providing a manual*  
40 *or electric breast pump and related storage bags, a private area to pump on a regular basis, a freezer, a*  
41 *system for proper storage of breast milk, and, when possible, the opportunity to provide such breast milk to*  
42 *the infant; (6) providing appropriate supplemental nutrition for incarcerated persons who are nursing or*  
43 *lactating; and (7) collecting and publicly reporting data to help state and local governments determine how*  
44 *to improve services and supports for nursing mothers and their children. In addition to developing these*  
45 *recommendations, the work group shall also identify obstacles to and recommendations that may allow for*  
46 *in-person visits. If the work group determines visitation is possible, the work group shall identify challenges*  
47 *and opportunities to accomplish this. The work group shall report its findings and recommendations to the*  
48 *Secretary of Public Safety and Homeland Security and to the Chairmen of the Senate and House Committees*  
49 *for Courts of Justice, the Senate Committee on Rehabilitation and Social Services, and the House Committee*  
50 *on Public Safety by November 1, 2026, and shall publish such report on the Board's website.*

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

53 **2. That the State Board of Local and Regional Jails shall adopt regulations consistent with the findings**  
54 **and recommendations required by this act by December 1, 2028.**