

HOUSE BILL NO. 860
 AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Senate Committee on Rules
 on _____)
 (Patron Prior to Substitute—Delegate Cousins)

A BILL to direct the State Board of Local and Regional Jails to set minimum standards and regulations regarding lactation policies for incarcerated persons and their infants.

Be it enacted by the General Assembly of Virginia:

1. § 1. That the State Board of Local and Regional Jails (the Board) shall set minimum standards and regulations regarding lactation policies for incarcerated persons and their infants by December 1, 2028.

§ 2. In developing these regulations and standards, the Board shall consider the following best practices and how and whether they can be incorporated into such regulations and standards: (i) unless public safety requires otherwise, requiring jail officials and staff to defer to medical professionals during and after the birthing process regarding the care and treatment of the person giving birth, the postpartum contact and breastfeeding of the infant, and the extent to which the infant can remain with the mother prior to discharge; (ii) allowing an incarcerated person who has just given birth to have access to lactation support services; (iii) 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; (iv) 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; (v) supporting frequent visiting arrangements that allow direct contact between an infant and a breastfeeding or non-breastfeeding birth parent who is incarcerated; (vi) providing appropriate supplemental nutrition for incarcerated persons who are nursing or lactating; and (vii) collecting and publicly reporting data to help state and local governments determine how to improve services and supports for nursing mothers and their children.

§ 3. In developing such regulations and standards, the Board shall consider research and literature regarding effective lactation practices and may consult with, and consider input from, formerly incarcerated persons, the Virginia Sheriffs' Association, the Virginia Association of Regional Jails, physicians, doulas, and others with direct experience working with incarcerated persons, advocates for incarcerated persons, faculty at universities with relevant expertise, and any other relevant stakeholders.

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