

House Bill 2535

Sponsored by Representative REYNOLDS; Representative NOSSE (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Department of Corrections to establish doula program for pregnant and postpartum adults in custody at Coffee Creek Correctional Facility. Specifies requirements of program and doula services that must be provided to pregnant adults in custody and during one-year postpartum period.

Prohibits shackling of adults in custody during labor, childbirth and postpartum recovery in hospital. Prohibits restrictions in movement that interfere with postpartum individual's ability to hold or nurse infant, establish milk supply or receive postpartum recovery care.

Prohibits pregnant persons or adults in custody who arrive at Department of Corrections facility from undergoing specified types of searches. Permits exceptions when determined and documented concern for safety or suspicion of contraband exists. Requires specified searches to be performed by health care professionals.

A BILL FOR AN ACT

1
2 Relating to pregnancy in correctional facilities.

3 Whereas, over the past several decades, the number of women incarcerated in the United States
4 has increased nearly 650 percent, with over 200,000 women currently in a correctional facility; and

5 Whereas the United States Department of Justice estimates that between 5 and 10 percent of
6 female adults in custody are pregnant at the time of incarceration; and

7 Whereas approximately 68,000 children in Oregon have or have had an incarcerated parent; and

8 Whereas, compared to women in the general population, pregnant incarcerated women have a
9 higher risk of poor birth outcomes, including preterm birth (birth prior to 37 weeks of gestation) and
10 small-for-gestational-age babies (below the 10th percentile for babies born at the same gestational
11 age); and

12 Whereas incarceration impacts more than a mother's pregnancy in that the separation of
13 incarceration causes a disruption in the parent-child bond, which can lead to insecure attachment
14 and cause a variety of adverse outcomes; and

15 Whereas as many as 70 percent of young children with incarcerated mothers have emotional or
16 psychological problems that can extend far into adulthood; and

17 Whereas pregnant incarcerated women often lack appropriate labor and delivery support and
18 may find themselves restrained while in the hospital or in transport to or from the hospital; and

19 Whereas post-delivery mothers are given 24 to 48 hours or less of recovery time in the hospital
20 to rest and bond with their newborns, often undergo an invasive cavity search upon return from the
21 hospital and lack access to the physical and mental recovery resources necessary during their
22 postpartum period; and

23 Whereas incarcerated mothers lack consistent and adequate lactation resources or ways to get
24 breast milk to their infants; and

25 Whereas the success or failure of the criminal justice system to adequately respond to the needs
26 of pregnant incarcerated women has important implications for their health and the health of their
27 offspring; now, therefore,

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **Be It Enacted by the People of the State of Oregon:**

2 **SECTION 1. (1) The Department of Corrections shall establish a doula program for**
 3 **pregnant and postpartum adults in custody at the Coffee Creek Correctional Facility.**

4 **(2) The doula program must provide doula services to adults in custody who are pregnant**
 5 **or who have given birth in the last year. Persons providing doula services must be granted**
 6 **appropriate facility access, must be allowed to attend and provide assistance during labor and**
 7 **childbirth when feasible and must have access to the adult in custody’s relevant health in-**
 8 **formation if the adult in custody authorizes disclosure.**

9 **(3) The department must create and fill a pregnancy coordinator position at the Coffee**
 10 **Creek Correctional Facility. The pregnancy coordinator shall serve as a single point of**
 11 **contact for all persons providing doula services at the facility.**

12 **(4) Doula services are services provided by a trained doula that are designed to provide**
 13 **physical, emotional or informational support to a pregnant adult before, during and after**
 14 **delivery of a child. Doula services provided to adults in custody at the Coffee Creek**
 15 **Correctional Facility must include, but are not limited to:**

16 **(a) Prenatal, postpartum and parent education;**

17 **(b) Development of a trauma-informed and culturally specific birth plan for each preg-**
 18 **nant adult in custody;**

19 **(c) In-person attendance by a doula at routine prenatal visits, ultrasound imaging ap-**
 20 **pointments and lab testing appointments;**

21 **(d) Consultation and participation in the determination of the stages and progression of**
 22 **labor when determining the transport to a hospital or other delivery facility;**

23 **(e) Culturally specific and trauma-informed support and assistance during labor and**
 24 **childbirth and the postpartum period;**

25 **(f) Assistance with breastfeeding or milk expression after childbirth if requested by the**
 26 **adult in custody;**

27 **(g) Enrollment of the adult in custody in the breastfeeding program and in a breastmilk**
 28 **transportation program for delivery of the mother’s milk to the infant, including facilitating**
 29 **access to a breast pump and pumping supplies; and**

30 **(h) Support in the event an adult in custody has been or will become separated from her**
 31 **child.**

32 **(5) Services provided under this section may not supplant health care services routinely**
 33 **provided to adults in custody.**

34 **(6) For each adult in custody who is being provided transport to a hospital for labor and**
 35 **delivery, the department transport officer shall have a checklist of the policies to be adhered**
 36 **to during the transport and a copy of the birth plan. Confirmation that established proce-**
 37 **dures were followed, or an explanation of any variance from the established procedures, must**
 38 **be included in an adult in custody’s medical file.**

39 **(7) If it is not feasible for a doula to attend and provide assistance during the labor and**
 40 **delivery of an adult in custody, the reason for the lack of feasibility for a doula’s attendance**
 41 **must be documented in the adult in custody’s medical file and an alternative birth plan must**
 42 **be developed, implemented and documented in the medical file.**

43 **(8) The department may partner with community professionals who have been creden-**
 44 **tialed in their line of service, trained or otherwise have specific expertise to provide the**
 45 **doula services described in this section.**

1 (9) As used in this section “postpartum period” means a period of one year following
2 childbirth.

3 SECTION 2. An adult in custody may not be shackled during labor, childbirth or
4 postpartum recovery in a hospital. The individual’s movement may not be restricted in a way
5 that interferes with the postpartum individual’s ability to hold the infant, nurse the infant,
6 establish a milk supply or receive specific postpartum recovery care from hospital staff, in-
7 cluding lactation support.

8 SECTION 3. (1) A pregnant person or an adult in custody arriving in a Department of
9 Corrections facility following childbirth shall not be required to undergo a search that in-
10 volves the removal of clothing or an inspection of body cavities unless there is a determined
11 concern for safety or suspicion of contraband.

12 (2) A search described in subsection (1) of this section must be documented, and the
13 documentation must specify the reason for the search.

14 (3) A search described in subsection (1) of this section must be performed by a health
15 care professional.
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