

**196.175 Pregnant inmate -- Access to community-based programs -- Social worker to discuss options for care, feeding, and placement of infant -- Inmate's access to telephone -- Facility to provide nutrition and hygiene-related products for care of infant free of charge to indigent inmate.**

For any inmate housed in a jail, penitentiary, or local or state correctional or detention facility, residential center, or reentry center who is known to be pregnant:

- (1) The facility shall provide the inmate notice of, access to, and a written application for community-based programs serving pregnant, birthing, or lactating inmates. At a minimum, the notice shall contain how to qualify for the programs as well as timelines for applying and the process for appealing a denial. If a community-based program accepts the inmate but is denied access to the facility, the facility shall provide to the inmate, in writing within fifteen (15) days of the request, the safety or security concerns for the inmate, infant, public, or staff that led to the denial.
- (2) The facility shall refer the inmate to a social worker who shall:
  - (a) Discuss with the inmate the options available for feeding, placement, and care of the infant, including the benefits of lactation;
  - (b) Provide the inmate access to a phone to contact family regarding placement of the infant; and
  - (c) Oversee the placement of the infant.
- (3) For up to seventy-two (72) hours after the birth, the facility shall ensure that:
  - (a) The infant is allowed to remain with the inmate, unless a medical professional determines that doing so would pose a health or safety risk to the inmate or infant; and
  - (b) The inmate has access to nutritional or hygiene-related products necessary to care for the infant, including but not limited to diapers. Such products shall be provided free of charge to indigent inmates.

**Effective:** June 29, 2021

**History:** Created 2021 Ky. Acts ch. 85, sec. 2, effective June 29, 2021.