

1 AN ACT relating to pregnant inmates.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 196.175 is amended to read as follows:

4 **(1) As used in this section:**

5 **(a) "Certified professional midwifery services" has the same meaning as in**
6 **KRS 314.400; and**

7 **(b) "Doula services" means services provided by a trained doula who provides**
8 **physical, emotional, and educational support, but not medical care, to**
9 **mothers before, during, and after childbirth. Doula services include but are**
10 **not limited to:**

11 **1. Support and assistance during labor and childbirth;**

12 **2. Prenatal and postpartum education;**

13 **3. Breastfeeding assistance;**

14 **4. Parenting education; and**

15 **5. Support in the event that a woman has been or will become separated**
16 **from her child.**

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

19 ~~(a)(1)~~ The facility shall provide the inmate notice of, access to, and a written
20 application for community-based programs serving pregnant, birthing, or
21 lactating inmates. At a minimum, the notice shall contain how to qualify for
22 the programs as well as timelines for applying and the process for appealing a
23 denial. If a community-based program accepts the inmate but is denied access
24 to the facility, the facility shall provide to the inmate, in writing within fifteen
25 (15) days of the request, the safety or security concerns for the inmate, infant,
26 public, or staff that led to the denial; ~~;~~

27 ~~(b)(2)~~ The facility shall refer the inmate to a social worker who shall:

- 1 ~~1.~~~~(a)~~ Discuss with the inmate the options available for feeding,
- 2 placement, and care of the infant, including the benefits of lactation;
- 3 ~~2.~~~~(b)~~ Provide the inmate access to a phone to contact family regarding
- 4 placement of the infant; and
- 5 ~~3.~~~~(c)~~ Oversee the placement of the infant; ~~and~~~~(d)~~

6 ~~(c)~~~~(3)~~ For up to seventy-two (72) hours after the birth, the facility shall ensure
7 that:

- 8 ~~1.~~~~(a)~~ The infant is allowed to remain with the inmate, unless a medical
9 professional determines that doing so would pose a health or safety risk
10 to the inmate or infant; and
- 11 ~~2.~~~~(b)~~ The inmate has access to nutritional or hygiene-related products
12 necessary to care for the infant, including but not limited to diapers.
13 Such products shall be provided free of charge to indigent inmates.

14 **(3) For any inmate housed in a jail, penitentiary, or local or state correctional or**
15 **detention facility, residential center, or reentry center who is known to be**
16 **pregnant or who has given birth in the last six (6) weeks:**

17 **(a) The facility shall provide reasonable accommodations for the provision of**
18 **certified professional midwifery services or doula services; and**

19 **(b) Persons providing certified professional midwifery services or doula services**
20 **shall be:**

- 21 **1. Granted appropriate facility access;**
- 22 **2. Allowed to attend and provide assistance during labor and childbirth**
23 **where feasible; and**
- 24 **3. Granted access to the inmate's relevant health care information if the**
25 **inmate authorizes disclosure.**