

House Bill 235

By: Representatives Scott of the 76th, Davis of the 87th, Schofield of the 63rd, and Hutchinson of the 106th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated,
2 relating to inmate policies, so as to provide for policies for breast milk storage and the breast
3 feeding of a delivered child; to provide for definitions; to require the provision of breast
4 pumps by the Department of Public Health; to provide for requirements for prenatal and
5 postpartum care; to require a notice; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to
10 inmate policies, is amended by adding new subsections to Code Section 42-1-11.3, relating
11 to treatment of pregnant and postpartum female inmates, to read as follows:

12 “(g)(1) As used in this subsection, the term:

13 (A) 'Postpartum' means a six-month period, or any longer period as determined by the
14 health care professional responsible for a woman's care, following the delivery of a
15 child or a stillbirth, miscarriage, ectopic pregnancy, or other non-live birth outcome.

16 (B) 'Prenatal and postpartum care' includes pregnancy testing, medical examinations,
17 laboratory and diagnostic tests, including, but not limited to, offering HIV testing and
18 prophylaxis when indicated, advice on appropriate levels of activity, safety precautions,
19 nutritional guidance and counseling, routine and high-risk care, management of
20 chemical dependencies, comprehensive counseling and assistance, prescription of
21 appropriate nutritional supplements, and postpartum follow up.

22 (2)(A) In order to allow lactating women imprisoned within a penal institution to
23 express milk for the purpose of maintaining breast milk supply for her delivered child,
24 a penal institution shall provide women access to breast pumps during postpartum. The
25 Department of Public Health shall provide such breast pumps free of charge.

26 (B) A penal institution shall, during postpartum:

27 (i) Provide sanitary storage for a lactating woman's breast milk, if such lactating
28 woman desires her breast milk to be stored for her delivered child; and

29 (ii) Allow for visits to enable such woman to feed her delivered child or allow for the
30 timely collection of such breast milk expressed by the woman for the delivered child
31 by such woman's family, relatives, or other designated individuals.

32 (3) A physician, as medically necessary, shall provide prenatal and postpartum care on
33 a regular basis to women imprisoned within a penal institution.

34 (h) Any woman potentially affected by this Code section shall be advised in writing of the
35 requirements of this Code section at the time it becomes known to a penal institution that
36 such woman may become potentially affected by this Code section."

37 **SECTION 2.**

38 All laws and parts of laws in conflict with this Act are repealed.