

1 AN ACT relating to pregnant inmates.

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

3 ➔Section 1. KRS 196.173 is amended to read as follows:

4 (1) ***For the purposes of 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)*** Except as provided in subsection ***(3)***~~*(2)*~~ of this section, an inmate housed in a jail,  
 18 penitentiary, or local or state correctional or detention facility, residential center, or  
 19 reentry center who is known to be pregnant shall be restrained solely with handcuffs  
 20 in front of her body unless further restraint is required to protect herself or others.

21 ~~***(3)***~~~~*(2)*~~ (a) Except in an extraordinary circumstance, no inmate who is known to be  
 22 pregnant shall be restrained during labor, during transport to a medical facility  
 23 or birthing center for delivery, or during postpartum recovery.

24 (b) As used in this subsection, "extraordinary circumstance" means that  
 25 reasonable grounds exist to believe the inmate presents an immediate and  
 26 credible:

27 1. Serious threat of hurting herself, staff, or others; or

- 1           2. Risk of escape that cannot be reasonably minimized through any method  
2           other than restraints.

3 **(4) (a) An inmate housed in a jail, penitentiary, or local or state correctional or**  
4 **detention facility, residential center, or reentry center who is known to be**  
5 **pregnant or who has given birth in the last six (6) weeks shall be provided**  
6 **reasonable accommodations for the provision of available certified**  
7 **professional midwifery services or doula services.**

8 **(b) Persons providing certified professional midwifery services or doula services**  
9 **shall be:**

- 10 **1. Granted appropriate facility access;**  
11 **2. Allowed to attend and provide assistance during labor and childbirth**  
12 **where feasible; and**  
13 **3. Granted access to the inmate's relevant health care information if the**  
14 **inmate authorizes disclosure.**