



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

CHRISTINA HENDERSON
Councilmember, At-Large
Chairperson, Committee on Health

Committee Member
Hospital and Health Equity
Judiciary and Public Safety
Transportation and the Environment

Statement of Introduction
Safe and Supported Pregnancy and Delivery for Incarcerated Individuals
Amendment Act of 2024
July 8, 2024

Today, along with Councilmembers Vincent C. Gray, Robert C. White, Jr., Trayon White, Sr., Zachary Parker, Brooke Pinto, and Charles Allen, I am introducing the Safe and Supported Pregnancy and Delivery for Incarcerated Individuals Amendment Act of 2024. The bill would require the Department of Corrections to improve the pregnancy and postpartum resources and supports available to incarcerated individuals in the District of Columbia.

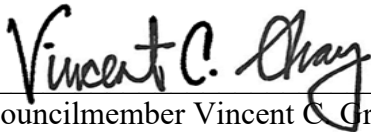
Pregnancy in correctional settings is linked to notably poor health outcomes for both birthing individuals and their children. Approximately 3-4% of individuals entering correctional facilities nationwide are pregnant. These individuals face significantly higher rates of miscarriages and preterm deliveries, and are more likely to deliver a low birth weight infant compared to the general population. Correctional facilities generally fail to adequately address incarcerated individuals' healthcare needs, let alone provide adequate pregnancy and postpartum healthcare resources. It is crucial that states establish minimum standards of care for pregnant and postpartum individuals that provide clear guidelines on healthcare resources. This legislation would further the District's commitment to that principle by requiring the Department of Corrections to provide a minimum standard of pregnancy testing and healthcare, including offering specialized healthcare and providing medical and personal care supplies to incarcerated individuals who are pregnant and postpartum.

I recently learned that the Department of Corrections has an ad hoc process through which a pregnant individual can request the presence of a friend or family member while hospitalized for delivery and postpartum recovery. Everyone deserves to have a loved one nearby during the emotional and strenuous experience of childbirth. This bill would establish a process for a pregnant individual to request the presence of a loved one while hospitalized for labor, delivery, a cesarean section, a pregnancy termination, and during postpartum recovery. The bill increases privacy rights by limiting the presence of guards in the delivery room. This legislation also entitles incarcerated individuals to counseling from a case manager about options for feeding, placement, and care of their baby after birth.

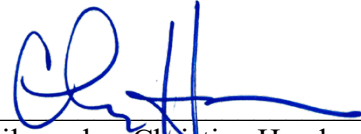
This bill is modeled after common sense changes that many states, including New York¹ and California² have made to their laws and ensure that incarcerated individuals have minimum resources and clear processes to advocate for their needs while pregnant and postpartum. I look forward to working with my colleagues on the Council, the Department of Corrections, and community members to improve the outcomes and quality of care for pregnant incarcerated individuals in the District.

¹ [New York State Senate Bill 2021-S399A](#)

² [California AB-732 County jails: prisons: incarcerated pregnant persons. \(2019-2020\)](#)

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2 Councilmember Vincent C. Gray



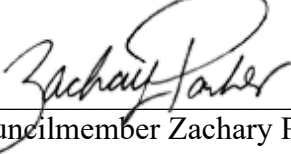
Councilmember Christina Henderson

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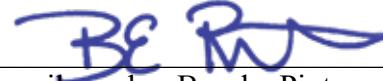
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6 Councilmember Robert C. White, Jr.



Councilmember Trayon White, Sr.

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10 Councilmember Zachary Parker



Councilmember Brooke Pinto

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14 Councilmember Charles Allen

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17 A BILL

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22 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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27 To amend An Act To create a Department of Corrections in the District of Columbia to improve
28 the resources and supports available to incarcerated individuals who are pregnant and in
29 the custody of the Department of Corrections.

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31 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
32 act may be cited as the “Safe and Supported Pregnancy and Delivery for Incarcerated Individuals
33 Amendment Act of 2024.”

34 Sec. 2. An Act To create a Department of Corrections in the District of Columbia,
35 approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.01 *et seq.*), is amended by
36 adding new section 10 to read as follows:

37 “Sec. 10. Safe and supported pregnancy and delivery for incarcerated individuals.

38 “(a) The Department of Corrections (“Department”) shall make pregnancy testing,
39 pregnancy counseling options, and abortion counseling options available to incarcerated
40 individuals who are pregnant or may be pregnant.

41 “(b) The Department shall ensure that incarcerated individuals who are pregnant receive
42 confidential, appropriate, timely, culturally responsive, and comprehensive healthcare,
43 evaluation, and treatment from healthcare providers licensed in the District, including:

44 “(1) Healthcare for related health conditions that emerge during the pregnancy or
45 during postpartum recovery;

46 “(2) Specialized pregnancy or postpartum healthcare, if necessary, which may be
47 referred to external healthcare providers, provided that any movement or transportation of the
48 individual is consistent with the Limitations on the Use of Restraints Amendment Act of 2014,
49 effective July 15, 2014 (D.C. Law 20-280; D.C. Official Code 24-276.01 *et seq.*), and

50 “(3) Medical, healthcare, and personal care supplies prescribed or recommended
51 by a licensed healthcare provider treating an individual or reasonably requested by an individual.
52 The Department shall not charge an individual for any supplies recommended by an individual’s
53 licensed healthcare provider or reasonably requested by an individual.

54 “(c)(1) If an incarcerated individual who is pregnant is scheduled to deliver an infant
55 while in the custody of the Department, the Department shall provide the individual with a
56 method to request the presence of a support person during labor, delivery, a cesarean section, a
57 pregnancy termination, and during postpartum recovery while hospitalized.

58 “(2) The Director of the Department or their designee shall approve or deny a
59 request for a support person within 5 business days of receipt of a request, provided that:

60 “(A) Denials shall be issued sparingly and shall not be issued
61 based on the requested support person’s past criminal record or their probation, conditional
62 release, parole, or supervision status;

63 “(B) A support person shall not need to have visited the
64 incarcerated individual while in Department custody prior to serving as a support person; and

65 “(C) If the Director or their designee denies a request for a support
66 person, detailed reasons for the denial shall be provided in writing to the incarcerated individual
67 within 3 business days of the denial. The written denial shall provide the rationale for the denial,
68 including specific safety or security concerns for the incarcerated individual, infant, public, or
69 staff. Upon receipt of a written denial, an incarcerated individual may request an alternative
70 support person or may choose an approved Department staff member to act as a support person.

71 “(3)(A) The Department shall notify the incarcerated individual and an approved
72 support person within 3 business days of approving the request.

73 “(B) The Department shall provide an approved support person with
74 information regarding their rights and responsibilities as a support person, the anticipated due
75 date or possible due dates of the incarcerated individual, and a written access memo to bring to
76 the hospital.

77 “(C) An approved support person shall be notified in accordance with the
78 following:

79 “(i) Within one hour of the Department determining that an
80 incarcerated individual is in labor;

81 “(ii) One hour before an incarcerated individual is transported to a
82 hospital for labor and delivery, or

83 “(ii) Immediately after a cesarean section or pregnancy termination
84 is scheduled.

85 “(D) When the incarcerated individual is transported to a hospital for labor
86 and delivery, the Department shall notify the designated hospital security staff in writing of the
87 support person’s name and contact information to facilitate access.

88 “(d)(1) The incarcerated individual shall be given the maximum level of privacy possible
89 during labor, delivery, a cesarean section, or a pregnancy termination.

90 “(2) Department officers required to escort or accompany the incarcerated
91 individual to a hospital during labor, delivery, a cesarean section, or a pregnancy termination
92 shall be stationed outside the delivery room, except that in the event of extraordinary
93 circumstances as determined by the Department, a Department officer may stand in a place in the
94 delivery room that grants as much privacy as possible to the incarcerated individual throughout
95 labor, delivery, a cesarean section, or a pregnancy termination; provided further, that a
96 Department officer may not be stationed in the delivery room if a Department staff member is
97 present acting as the incarcerated individual’s approved support person or if the medical provider
98 determines that the removal of the Department officer is medically necessary.

99 “(e) For the duration of the period that an approved support person is present with the
100 incarcerated individual, the Department shall:

101 “(1) Allow a support person to freely leave the delivery room and return;

102 “(2) Allow a support person to bring a telephone with a camera or a camera into
103 the delivery or recovery room;

104 “(3) Allow a support person and the incarcerated individual to take pictures; and

105 “(4) Allow an incarcerated individual to use a support person’s telephone
106 speakerphone capabilities to communicate about the birth of the infant.

107 “(f) The rights provided for incarcerated individuals by this section shall be posted in any
108 non-English language spoken by one or more limited or no-English proficient incarcerated
109 individuals in at least one conspicuous place to which all incarcerated individuals have access
110 and in locations in the Department where medical care is provided.

111 “(g) Any individual in the Department’s custody who is known to be pregnant or could
112 be pregnant shall receive notice in writing in a language and manner understandable to them
113 about the requirements of this section upon admission to the Department.

114 “(h) At least one month prior to an incarcerated pregnant individual’s delivery date, a
115 case manager shall counsel the individual on options available for feeding, placement, and care
116 of the infant after birth, and assist with determining the placement of the infant.

117 “(g) The Mayor, pursuant to Title I of the District of Columbia Administrative
118 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.),
119 shall promulgate rules to implement the provisions of this section.”.

120 Sec. 3. Fiscal impact statement.

121 The Council adopts the fiscal impact statement in the committee report as the fiscal
122 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
123 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

124 Sec. 4. Effective date.

125 This act shall take effect following approval by the Mayor (or in the event of veto by the
126 Mayor, action by the Council to override the veto), and a 30-day period of congressional review

127 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
128 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).