

HEALTH AND HUMAN SERVICES (HHS)

Resolution HHS-22-36

CALLING FOR THE HUMANE TREATMENT OF PREGNANT AND POSTPARTUM WOMEN

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has reliably advocated for the enhancement of women's rights – especially issues affecting the African American community;

WHEREAS, between five and 10 percent of women that enter prison and jail are pregnant, and approximately 2,000 babies are born to incarcerated women annually according to the American Medical Association;

WHEREAS, historically, Black women are twice as likely to be incarcerated than white women;

WHEREAS, in 2019, the Prison Law Office found that pregnant women or recently pregnant women universally reported receiving inadequate nutrition during their pregnancies;

WHEREAS, the risk for a poor pregnancy outcome is significantly higher in incarcerated women than women who are not incarcerated;

WHEREAS, nearly 20% of pregnancies in incarcerated women result in miscarriages and premature births, which exceeds the national average of 10% according to the Prison Policy Initiative;

WHEREAS, restraining pregnant women exacerbates pain, increases the risk of complications, and limits critical medical care during childbirth;

WHEREAS, the practice of handcuffing pregnant women would disproportionately traumatize, or retraumatize, Black incarcerated women; and

WHEREAS, it is an assault on human dignity and inhumane to not provide necessary health care for incarcerated pregnant women, postpartum women, and their children.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports equitable standards of care and protection that can safely be achieved for incarcerated pregnant women, postpartum women, and their children as they would receive if they were not incarcerated;

BE IT FURTHER RESOLVED, that the NBCSL urges penal institutes, correctional facilities, detention centers or county jails to use the least restrictive physical restraints and control techniques on incarcerated pregnant women and recently pregnant women;

BE IT FURTHER RESOLVED, that correctional facilities should be required to provide postpartum inmates access to breast pumps and the departments of health should provide breast pumps to pregnant inmates free of charge;

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BE IT FURTHER RESOLVED, that correctional facilities allow visits to enable breastfeeding of the inmate's child or allow for the timely collection of the breast milk expressed by the inmate for the child;

BE IT FURTHER RESOLVED, that the NBCSL urges federal, state, and local governments to adopt policies that use the least restrictive physical restraints on incarcerated pregnant women and postpartum women and explore non-restrictive techniques throughout their pregnancy and during the birthing process; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials and agencies as appropriate.

SPONSOR(S): Senator Raumesh Akbari (TN) and Representative Karen Camper (TN)

Committee of Jurisdiction: Health and Human Services (HHS) Policy Committee

Ratified in Plenary Session: December 2, 2021

Ratification certified by: Representative Billy Mitchell (GA), NBCSL President