

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 358, Page 2, Section 191.607, Line 16, by inserting after said section and
2 line the following:

3
4 "217.199. 1. As used in this section, "healthcare products" include tampons and sanitary
5 napkins.

6 2. The director shall ensure that healthcare products are available for free to offenders while
7 confined in any correctional center of the department, in a quantity that is appropriate for the
8 healthcare needs of each offender. The director shall ensure that the healthcare products conform
9 with applicable industry standards.

10 221.520. 1. As used in this section, the following terms shall mean:

11 (1) "Extraordinary circumstance", a substantial flight risk or some other extraordinary
12 security circumstance that dictates restraints be used to ensure the safety and security of a pregnant
13 prisoner in her third trimester or a postpartum prisoner within forty-eight hours postdelivery, the
14 staff of the county or city jail or medical facility, other prisoners, or the public;

15 (2) "Labor", the period of time before a birth during which contractions are present;

16 (3) "Major bodily function", functions of the immune system, normal cell growth, and
17 digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive
18 functions;

19 (4) "Medical emergency", a condition that, based on reasonable medical judgment, so
20 complicates the medical condition of a pregnant woman as to necessitate the immediate removal of
21 restraints to avert the death of the pregnant woman or for which a delay in removal of restraints will
22 create a serious risk of substantial and irreversible physical impairment of a major bodily function of
23 the pregnant woman;

24 (5) "Physician", any person licensed by the state board of registration for the healing arts to
25 practice medicine in this state;

26 (6) "Postpartum", the period of recovery immediately following childbirth, which is six
27 weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a
28 physician;

29 (7) "Reasonable medical judgment", a medical judgment made by a reasonably prudent
30 physician, knowledgeable about the case and the treatment possibilities with respect to the medical
31 conditions involved;

32 (8) "Restraints", any physical restraint or other device used to control the movement of a
33 person's body or limbs;

34 (9) "Third trimester", gestational age, which is the length of pregnancy as measured from
35 the first day of the woman's last menstrual period, of twenty-eight weeks or more;

36 (10) "Unborn child", the offspring of human beings from the moment of conception until

Action Taken _____ Date _____

1 birth and at every state of its biological development, including the human conceptus, zygote,
2 morula, blastocyst, embryo, and fetus.

3 2. Pregnant prisoners shall be transported in vehicles equipped with seatbelts.

4 3. Any time restraints are used on a pregnant prisoner in her third trimester or on a
5 postpartum prisoner within forty-eight hours postdelivery, as documented by a physician and for
6 which the county or city officer or sheriff or jailer has written notice, the restraints shall be the least
7 restrictive available and reasonable under the circumstances. Only in extraordinary circumstances,
8 as determined by a county or city officer or jail official, shall ankle or waist restraints be used on
9 any such offender.

10 4. If, based on his or her reasonable medical judgment, a doctor, nurse, or other licensed
11 health care provider treating the pregnant prisoner in her third trimester or the postpartum prisoner
12 within forty-eight hours postdelivery, as previously documented by a physician, finds that a medical
13 emergency exists and requests that restraints not be used, the county or city officer or sheriff or
14 jailer accompanying such prisoner shall as soon as practical remove all restraints. The individual
15 ordering the removal of restraints shall assume all liability for acts and damages that occur as a
16 result of the restraints being removed and shall report in writing the specific facts justifying the
17 medical emergency. The report shall be kept on file for at least five years.

18 5. In the event a county or city officer or sheriff or jailer determines that extraordinary
19 circumstances exist and restraints are necessary, the officer, sheriff, or jailer shall fully document in
20 writing within forty-eight hours of the incident the reasons he or she determined such extraordinary
21 circumstances existed, the type of restraints used, and the reasons those restraints were considered
22 the least restrictive available and reasonable under the circumstances. Such documents shall be kept
23 on file by the county or city jail for at least five years from the date the restraints were used.

24 6. The county or city jail shall inform female prisoners, in writing and orally, of any policies
25 and practices developed in accordance with this section upon admission to the jail, and post the
26 policies and practices in locations in the jail where such notices are commonly posted and will be
27 seen by female prisoners."; and

28
29 Further amend said bill by amending the title, enacting clause, and intersectional references
30 accordingly.