

2021 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 85

BY REPRESENTATIVES LANDRY, CARPENTER, GARY CARTER, ROBBY CARTER, GREEN, JEFFERSON, JENKINS, LARVADAIN, MOORE, NEWELL, PIERRE, AND SELDERS

A CONCURRENT RESOLUTION

To urge and request the Louisiana Public Health Institute to study the current policies in Louisiana's state and local correctional facilities regarding pregnancy management and care and maternal health, the implementation and enforcement of Act No. 761 of the 2012 Regular Session, Act No. 392 of the 2018 Regular Session, and Act No. 140 of the 2020 Regular Session, and to require the commission to report its findings.

WHEREAS, there are one thousand two hundred eighty-seven incarcerated females in Louisiana corrections facilities, the vast majority of which are of reproductive age; and

WHEREAS, incarcerated women and adolescent females often come from economically, educationally, socially, and emotionally disadvantaged environments; a disproportionate number have acute and chronic illnesses, substance abuse problems, and undetected health issues, including reproductive health; and

WHEREAS, pregnancy testing varies across facilities and because there are no reporting requirements, data may not accurately represent the prevalence of incarcerated pregnant women, pregnancy outcomes, or the care and accommodations provided; and

WHEREAS, little education and psychosocial support, if any, is provided to prepare incarcerated pregnant women for childbirth; and

WHEREAS, the effects of imprisonment on pregnancy outcomes are of considerable public health significance; and

WHEREAS, many local facilities lack written policies for the management of incarcerated pregnant women.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana Public Health Institute to study the following:

(1) Screening practices for pregnancy and the number of pregnant women entering jail or prison.

(2) Prenatal and postpartum care and treatment, including an adequate diet, clothing, appropriate accommodations relating to work, rest, and bed assignment.

(3) Availability of counseling, education, childbirth classes, parenting classes, and family planning.

(4) The number of live births, miscarriages, abortions, stillbirths, or other pregnancy outcomes outside of the facility.

(5) The number of live births, miscarriages, stillbirths, or other pregnancy outcomes occurring within correctional facilities.

(6) The number of cesareans and vaginal deliveries, the number of days patients are in the hospital for recovery before being transported back to the correctional facility, and the number of days patients are in the facility infirmary.

(7) The number of women screened for and receiving perinatal mental health care.

(8) The number of women receiving postpartum care.

(9) The location of prenatal care, labor, and delivery.

(10) The number of women diagnosed with cervical cancer.

(11) The number of women having hysterectomies or bilateral tubal ligations while incarcerated and the medical diagnosis determining the need for the procedure.

(12) The number of women being provided contraception including but not limited to IUDs, pills, injections, and implants.

(13) Whether corrections officers and medical staff receive training on the use of restraints policy.

(14) Information regarding the availability of substance use disorder treatment for incarcerated pregnant and postpartum women.

(15) Information regarding the process of requesting medical care and obtaining informed consent for medical treatment.

(16) Whether incarcerated pregnant women are advised in writing of the requirements of Act No. 140 of the 2020 Regular Session, Act No. 392 of the 2018 Regular Session, and Act No. 761 of the 2012 Regular Session.

(17) Whether corrections officers and medical staff are receiving training about the law requiring access to healthcare products and the process by which incarcerated women can access those products.

(18) Whether incarcerated women are notified and advised in writing about the process by which those products can be accessed.

(19) Whether state and local correctional facilities have the adequate supplies of the products to ensure all incarcerated women have access to sufficient quantities to meet their needs as required by Act No. 392 of the 2018 Regular Session.

(20) Whether Act No. 140 of the 2020 Regular Session banning the use of solitary confinement for currently and recently pregnant women has been implemented in prisons.

(21) Whether solitary confinement is being used for currently or recently pregnant women in Louisiana jails.

(22) Information regarding the justification for using solitary confinement.

BE IT FURTHER RESOLVED that this study shall be conducted in collaboration with community organizations and stakeholders.

BE IT FURTHER RESOLVED that this study shall be conducted in facilities owned by the Department of Public Safety and Corrections, parish jails or institutions, and in private correctional institutions.

BE IT FURTHER RESOLVED that the Louisiana Public Health Institute shall prepare and submit a final report that contains a detailed statement of the findings and policy recommendations of the task force to the governor and leadership of the Louisiana Legislature. The report shall be made available to the public.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the executive director of the Louisiana Public Health Institute.

BE IT FURTHER RESOLVED that the Louisiana Public Health Institute shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE