



SB0255 - Correctional Services - Pregnant Incarcerated Individuals

Presented to the Honorable Will Smith and Members of the Senate Judicial Proceedings Committee

February 6, 2020 1:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the Senate Judicial Proceedings Committee to issue **a favorable report on SB0255 - Correctional Services - Pregnant Incarcerated Individuals**, sponsored by Senator Chris West.

Our organization is an advocate for reproductive health, rights, and justice. We work to guarantee each individual's freedom to decide if, when, and how to form one's family, and to parent in safety, with dignity, and in good health. Incarcerated and detained pregnant women and girls are among the population of Marylanders we support.

We recognize the current era of mass incarceration has made countless individuals living behind bars vulnerable to violations of their reproductive freedom. In the reality of our existing male-centered corrections system, women are frequently lacking multiple systems of healthcare specific to their reproductive lives. Recently, there has been heightened awareness of the needs of those entering the system while pregnant, many of which had not received any pregnancy-related healthcare before arrest or conviction.

SB0255 seeks to build on the important legislation passed by the Maryland General Assembly in 2018, requiring every correctional and detention center in the state to develop written policies regarding available pregnancy-related healthcare and to present a copy of these policies to any inmate or detainee with a positive pregnancy test, adult or juvenile, to encourage self-advocacy and increased awareness of one's rights and available services. The goals are to promote positive pregnancy health outcomes. Our organization supports SB0255 as we feel strongly that every pregnant individual entering the system should at least be provided a health assessment about the viability of the pregnancy, as well as identify any concerns that may result in attention needed to manage a high-risk pregnancy while inside. This assessment should also include the offer of appropriate screenings for mental health and substance use disorder issues. Whether the pregnant individual has or has not been receiving treatment for mental health and/or substance use before entering the system, it is the right of that individual to determine the parameters of potential, continued, or changes in treatment in consultation with proper medical care providers. It is in the best interest of both the pregnant individual and the facility which is entrusted with her care to be knowledgeable about any health issues so that timely medical care can be obtained when needed. Primary providers can assist in medication access necessary to a healthy pregnancy, for example blood pressure-controlling medications. Gestational hypertension leading to pre-eclampsia and eclampsia can be fatal for the pregnant person if not treated as soon as possible. A healthcare assessment focused on the pregnancy may indicate the need for prenatal testing and immediate pregnancy decision-making. Incarceration is not without stressors, and with little access to

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adequate obstetric care, coupled with a lack of access to healthcare upon release, the system is contributing to poor pregnancy outcomes if it does not do more. If an individual leaving the system is still pregnant, it will be vital to ensure that proper case management occur, connecting the returning citizen to healthcare providers in the community, and if the needs are identified, also mental health or substance use disorder treatment. The experience of incarceration should not include poor maternal health outcomes of wanted pregnancies, such as fetal demise or infant death, when such adverse medical events could have been avoided with timely intervention

Legislating these processes will ensure that facility contracts with medical providers as well as facility policies related to pregnancy-related healthcare and services will reflect smart risk management protocols, while protecting the rights of the pregnant individual. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0255**. Thank you for your time and consideration.