

1 HOUSE BILL 277

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Sarah Maestas Barnes and Michael Padilla

5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO INCARCERATED WOMEN; REQUIRING CORRECTIONAL  
12 FACILITIES TO DEVELOP AND IMPLEMENT POLICIES FOR LACTATING  
13 INMATES.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. [NEW MATERIAL] CORRECTIONAL FACILITIES--INFANT  
17 AND TODDLER FEEDING POLICIES.--

18 A. By January 1, 2018, every correctional facility  
19 that houses female inmates shall develop and implement an  
20 infant and toddler feeding policy that promotes breastfeeding  
21 by female inmates and is based on current accepted best  
22 practices. The policy shall apply to all children of a  
23 lactating inmate and shall include provisions for:

24 (1) medically appropriate support and care  
25 related to cessation of lactation or weaning; and

.205731.1

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(2) human milk expression and:

(a) disposal;

(b) storage for later retrieval and delivery to an infant or toddler by an approved person; and

(c) same-day retrieval and delivery to an infant or toddler by an approved person, if preferred by the lactating inmate and approved by the court and the correctional facility administrator.

B. An infant and toddler feeding policy shall be clearly posted in all places within a correctional facility where medical care is provided, and the provisions of the policy shall be routinely communicated to all correctional facility staff persons who interact with or oversee pregnant or lactating inmates and shall be included in the facility's new employee orientation and training.

C. For the purposes of this section, "correctional facility" means a jail, prison or other detention facility, whether operated by a government or private contractor, that is used for the confinement of adult or juvenile persons who are charged with or convicted of a violation of a law or ordinance.