

1 SENATE BILL 124

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Michael Padilla

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10 AN ACT

11 RELATING TO CORRECTIONS; REQUIRING CORRECTIONAL FACILITIES TO
12 DEVELOP AND IMPLEMENT BREASTFEEDING AND LACTATION POLICIES FOR
13 LACTATING INMATES.

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

16 SECTION 1. [NEW MATERIAL] CORRECTIONAL FACILITIES--
17 BREASTFEEDING AND LACTATION POLICIES.--

18 A. By January 1, 2020, every correctional facility
19 that houses female inmates shall develop and implement an
20 infant and toddler breastfeeding and lactation policy for
21 lactating inmates that is based on current accepted best
22 practices in the field of correctional health care. The policy
23 shall include provisions for:

24 (1) electric pumps, manual pumps, prenatal
25 vitamins, prescribed medications and access to medication-

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1 assisted addiction treatment and necessary medical supplies;

2 (2) placement of a participating inmate in a
3 clean room with access to electricity for the use of electric
4 pumps;

5 (3) consideration of dietary needs and
6 provision of access to adequate nutrition consistent with those
7 dietary needs;

8 (4) infant and toddler breastfeeding by
9 lactating inmates at least during regularly-scheduled
10 visitation hours or at another periodic time pursuant to
11 facility policy;

12 (5) education for lactating inmates concerning
13 breastfeeding and lactation care based on current best
14 practices;

15 (6) peer counselors with experience in
16 breastfeeding and who can provide support and advice;

17 (7) human milk expression, disposal and same-
18 day storage for later retrieval and delivery to an infant or
19 toddler by a designated person, if preferred by the lactating
20 inmate and approved by the correctional facility administrator;

21 (8) medically appropriate support and care
22 related to cessation of lactation or weaning; and

23 (9) sharing research and resources, as
24 feasible, with other facilities within a fifty-mile radius.

25 B. An infant and toddler breastfeeding and

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1 lactation policy shall be clearly posted in all places within a
2 correctional facility where medical care is provided and in its
3 visitation areas. The provisions of the policy shall be
4 routinely communicated to all correctional facility staff
5 persons who interact with or oversee pregnant or lactating
6 inmates and shall be included in the facility's new employee
7 orientation and training. The correctional facility shall
8 provide education concerning breastfeeding and lactation care
9 based on best practices in the field of correctional health
10 care for facility staff persons who interact with or oversee
11 pregnant or lactating inmates. A correctional facility shall
12 not force an inmate to participate in a lactation program and
13 shall not subject any inmate to a negative consequence for
14 choosing not to participate.

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