

MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (H-887) (LD 2085 2020)

Date: 9/17/2020

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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1486, L.D. 2085, “An Act To Ensure Access to Sexual and Reproductive Health Care and Education in All Maine's Jails and State Correctional and Detention Facilities”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 30-A MRSA §1566 is enacted to read:

§1566. Sexual and reproductive health care and education

Upon admission to and throughout detention or incarceration in a jail or other county detention or correctional facility, a person who is a female or who has a uterus has a right to access to comprehensive reproductive health care and education that takes into account history of trauma and addresses gender-specific health care needs in a corrections setting, including, but not limited to:

1. Antepartum and postpartum care and contraceptive and abortion care services. Appropriate antepartum and postpartum care and contraceptive and abortion care services; and

2. Sexual and reproductive health care and education. Appropriate sexual and reproductive health care and education that meet recognized national standards and guidelines established by the American College of Obstetricians and Gynecologists, or a successor organization, and a national commission on correctional health care, including, but not limited to, age-appropriate screening guidelines.

Sec. 2. 34-A MRSA §1208, sub-§6, ¶E is enacted to read:

E. The committee shall review and develop adequate standards, policies and materials for the provision of sexual and reproductive health care and education for persons who are detained or incarcerated, as required by section 3031, subsection 10 and Title 30-A, section 1566.

Sec. 3. 34-A MRSA §1208, sub-§6, ¶F is enacted to read:

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1 F. The committee shall establish a subcommittee to advise the committee in reviewing
2 and developing adequate standards, policies and materials as required by paragraph E.
3 The subcommittee must consist of a representative of the Department of Corrections;
4 a woman who has been detained or incarcerated in a county jail; a woman who has
5 been detained or incarcerated in a state correctional facility; a sexual and reproductive
6 health care provider; a representative of a statewide association of sheriffs; a
7 representative of an organization with the primary mission to advance racial justice;
8 and a medical provider who treats pregnant people who are incarcerated.

9 **Sec. 4. 34-A MRSA §3031, sub-§8**, as amended by PL 2019, c. 139, §2, is further
10 amended to read:

11 **8. Visitation.** A reasonable opportunity to visit with relatives and friends, in
12 accordance with departmental policies and institutional procedures, ~~provided~~ except that
13 the department may restrict or prohibit visits when the restriction or prohibition is necessary
14 for the security of the institution; ~~and~~

15 **Sec. 5. 34-A MRSA §3031, sub-§9**, as enacted by PL 2019, c. 139, §3, is amended
16 to read:

17 **9. Menstrual products.** Comprehensive access to menstrual products, including, but
18 not limited to, sanitary pads and tampons, provided and available at all times and without
19 inconvenience or charge to a person who menstruates who resides in a correctional or
20 detention facility; ~~and~~

21 **Sec. 6. 34-A MRSA §3031, sub-§10** is enacted to read:

22 **10. Sexual and reproductive health care and education.** If the person is a female
23 or a person who has a uterus, access to comprehensive reproductive health care and
24 education that takes into account history of trauma and addresses gender-specific health
25 care needs in a corrections setting, including, but not limited to:

26 A. Appropriate antepartum and postpartum care and contraception and abortion care
27 services; and

28 B. Appropriate sexual and reproductive health care and education that meets
29 recognized national standards and guidelines established by the American College of
30 Obstetricians and Gynecologists, or a successor organization, and a national
31 commission on correctional health care, including, but not limited to, age-appropriate
32 screening guidelines.

33 **Sec. 7. Report.** The county and municipal detention facility advisory committee
34 created in accordance with the Maine Revised Statutes, Title 34-A, section 1208,
35 subsection 6 shall submit a report to the joint standing committee of the Legislature having
36 jurisdiction over criminal justice matters by January 1, 2021 regarding the work of the
37 subcommittee established in accordance with Title 34-A, section 1208, subsection 6,
38 paragraph F and any actions taken by the county and municipal detention facility advisory
39 committee.'

40 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
41 number to read consecutively.

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SUMMARY

This amendment replaces the bill and is the majority report of the committee. The amendment includes the provisions of the bill and requires that the sexual and reproductive health care and education that is provided in a jail or other county detention or correctional facility take into account history of trauma, address gender-specific health care needs in a corrections setting and meet nationally recognized standards. The amendment requires the county and municipal detention facility advisory committee to establish a subcommittee to advise the committee in reviewing and developing adequate standards, policies and materials for the provision of sexual and reproductive health care and education for persons who are incarcerated as required by the Maine Revised Statutes, Title 30-A, section 1566 and Title 34-A, section 3031, subsection 10 and requires the committee to undertake the review and development of standards, policies and materials. The subcommittee must consist of a representative of the Department of Corrections; a woman who has been detained or incarcerated in a county jail; a woman who has been detained or incarcerated in a state correctional facility; a sexual and reproductive health care provider; a representative of a statewide association of sheriffs; a representative of an organization with the primary mission to advance racial justice; and a medical provider who treats pregnant people who are incarcerated. The committee must submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 2021 regarding the work of the subcommittee and any actions taken by the county and municipal detention facility advisory committee.

COMMITTEE AMENDMENT



129th MAINE LEGISLATURE

LD 1756

LR 406(06)

An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the departments whose commissioners or their designees are required to serve on the steering committee on supervised community confinement are assumed to be minor and can be absorbed within existing budgeted resources.