

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 2085

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H.P. 1486

House of Representatives, January 28, 2020

**An Act To Ensure Access to Sexual and Reproductive Health Care  
and Education in All Maine's Jails and State Correctional and  
Detention Facilities**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative TALBOT ROSS of Portland.  
Cosponsored by Senator MOORE of Washington and  
Representatives: CARNEY of Cape Elizabeth, EVANGELOS of Friendship, HYMANSON of  
York, PERRY of Calais, Senators: CLAXTON of Androscoggin, DESCHAMBAULT of York,  
President JACKSON of Aroostook, MILLETT of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

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

3 **§1566. Sexual and reproductive health care and education**

4 Any person who is detained or incarcerated in a jail or other county correctional  
5 facility who is a female or who has a uterus has a right to comprehensive access to  
6 reproductive health care and education upon admission and throughout the detention or  
7 incarceration, including, but not limited to, the following:

8 **1. Prenatal, perinatal and postnatal health.** Appropriate prenatal, perinatal and  
9 postnatal health care and education; and

10 **2. Sexual and reproductive health.** Appropriate sexual and reproductive health  
11 care and education.

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

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

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

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

24 **Sec. 4. 34-A MRSA §3031, sub-§10** is enacted to read:

25 **10. Sexual and reproductive health care and education.** For any person who is a  
26 female or who has a uterus, comprehensive access to sexual and reproductive health care  
27 and education upon admission and throughout that person's residence, including, but not  
28 limited to, the following:

29 A. Appropriate prenatal, perinatal and postnatal health care and education; and

30 B. Appropriate sexual and reproductive health care and education.

31 **Sec. 5. Sexual and Reproductive Health Care Advisory Committee.** There  
32 is established the Sexual and Reproductive Health Care Advisory Committee to review  
33 and develop adequate standards, policies and materials for the provision of sexual and  
34 reproductive health care and education for persons who are incarcerated as required by  
35 the Maine Revised Statutes, Title 30-A, section 1566 and Title 34-A, section 3031,  
36 subsection 10. The advisory committee consists of a representative of the Department of

1 Corrections designated by the Commissioner of Corrections; a sexual and reproductive  
2 health care provider and a representative of a statewide association of sheriffs appointed  
3 by the President of the Senate; a representative of an organization with the primary  
4 mission to advance racial justice appointed by the Speaker of the House of  
5 Representatives; and a medical provider who treats pregnant people who are incarcerated  
6 appointed by the Governor. The Department of Corrections shall provide staffing  
7 services to the advisory committee. The advisory committee shall submit a report to the  
8 joint standing committee of the Legislature having jurisdiction over criminal justice  
9 matters by January 1, 2021.

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### **SUMMARY**

11 This bill requires the provision of comprehensive access to sexual and reproductive  
12 health care and education for a person who is a female or who has a uterus admitted to or  
13 detained or incarcerated in a jail or county correctional facility or a state detention or  
14 correctional facility. The bill establishes the Sexual and Reproductive Health Care  
15 Advisory Committee to review and develop adequate standards, policies and materials for  
16 the provision of sexual and reproductive health care and education for persons who are  
17 incarcerated and requires a report to the joint standing committee of the Legislature  
18 having jurisdiction over criminal justice matters by January 1, 2021.