

HB 1115

2021

1 A bill to be entitled

2 An act relating to health care for women in the  
3 criminal justice system; creating s. 907.046, F.S.;  
4 authorizing female arrestees who have been held for  
5 more than a specified period to request pregnancy  
6 testing; requiring such testing to be administered by  
7 facility medical providers; amending s. 944.242, F.S.;  
8 providing for deferred sentences for pregnant women;  
9 requiring that specified postpartum assessments be  
10 offered to certain incarcerated women; requiring the  
11 Department of Health to collect specified data  
12 relating to certain women incarcerated in correctional  
13 facilities; requiring that department submit an annual  
14 report to the Governor and Legislature by a specified  
15 date; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 907.046, Florida Statutes, is created  
20 to read:

21 907.046 Pregnancy testing of arrestees.—Every woman  
22 arrested who is not released within 72 hours after arrest may  
23 request pregnancy testing. If requested, pregnancy testing shall  
24 be administered by the facility medical provider according to  
25 the pregnancy testing protocols of the facility in which she is

26 held. Pregnancy testing may be conducted through urine, blood,  
27 ultrasound, or other standard pregnancy testing protocols of the  
28 facility.

29 Section 2. Subsection (4) is added to section 944.242,  
30 Florida Statutes, to read:

31 944.242 Dignity for women in correctional facilities.—

32 (4) PREGNANT AND POSTPARTUM INMATES.—

33 (a)1. A pregnant woman who is convicted and sentenced to a  
34 period of confinement in a correctional facility shall have such  
35 sentence deferred until she is 12 weeks postpartum, and during  
36 the deferred time, she shall maintain all necessary health care.

37 2. Within 10 days after being confined in a correctional  
38 facility, a woman who is in the postpartum period shall be  
39 offered appropriate postpartum assessments by a licensed health  
40 care provider. If the woman consents to such assessments, the  
41 licensed health care provider shall provide the woman with  
42 information regarding any necessary medical tests, procedures,  
43 lactation support, or treatments associated with the postpartum  
44 assessment before the administration of such assessment.

45 3. Such assessments and treatments shall involve community  
46 support services, licensed health care professionals, social  
47 programs, and local and state government agencies, including  
48 nonprofit organizations and the Department of Health.

49 (b) Beginning January 1, 2022, the Department of Health  
50 shall provide to the Governor, the President of the Senate, and

51 the Speaker of the House of Representatives an annual report for  
52 the prior year detailing for each correctional facility the:

53 1. Data collected pursuant to paragraph (a).

54 2. Total number of pregnant women who are confined in such  
55 facility.

56 3. Total number of women who declined postpartum  
57 assessments.

58 4. Total number of births, including the total number of  
59 live births and the total number of stillbirths, and the  
60 gestational age and birth weight of each infant at the time of  
61 birth or stillbirth.

62 5. Total number and type of maternal complications.

63 6. Total number of miscarriages.

64 (c) The report provided pursuant to paragraph (b) shall  
65 exclude patient identifying information and shall be compliant  
66 with state and federal laws regarding confidentiality.

67 Section 3. This act shall take effect July 1, 2021.