

HOUSE BILL 1120

E4
HB 235/21 – JUD

2lr2961

By: **Delegates W. Fisher, Bartlett, Crutchfield, Davis, and Toles**
Introduced and read first time: February 11, 2022
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Pregnant Incarcerated Individuals – Substance Abuse**
3 **Assessment and Treatment**

4 FOR the purpose of requiring that a pregnant incarcerated individual be screened for
5 substance use disorder at intake, referred to health care providers, and provided
6 with certain medications and treatment; requiring a correctional unit to arrange for
7 health insurance coverage and follow-up health care before release of a pregnant
8 incarcerated individual; requiring that a pregnant incarcerated individual be
9 provided with medical records on release; and generally relating to pregnant
10 incarcerated individuals.

11 BY adding to
12 Article – Correctional Services
13 Section 9–601.2
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2021 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Correctional Services**

19 **9–601.2.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) “PREGNANT INCARCERATED INDIVIDUAL” MEANS AN
23 INCARCERATED INDIVIDUAL AT ANY STAGE OF PREGNANCY, LABOR, DELIVERY, OR
24 THE 12–WEEK POSTPARTUM PERIOD.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



(3) “REPRODUCTIVE HEALTH CARE PROVIDER” MEANS:

(I) AN OBSTETRICIAN;

(II) A GYNECOLOGIST;

(III) A CERTIFIED NURSE MIDWIFE; OR

(IV) A PHYSICIAN, NURSE PRACTITIONER, OR PHYSICIAN’S ASSISTANT WITH SPECIALIZATION IN TREATING PREGNANT PATIENTS.

(B) THIS SECTION APPLIES TO ALL CORRECTIONAL UNITS, AS DEFINED IN § 8–201 OF THIS ARTICLE.

(C) (1) A PREGNANT INCARCERATED INDIVIDUAL, REGARDLESS OF THE JURISDICTION OF CONFINEMENT OR THE LENGTH OF TIME THAT THE INDIVIDUAL IS EXPECTED TO BE AT THE CORRECTIONAL UNIT, SHALL BE SCREENED FOR SUBSTANCE USE DISORDER AT INTAKE USING A VALIDATED SCREENING TOOL.

(2) A PREGNANT INCARCERATED INDIVIDUAL WHO HAS BOTH A POSITIVE PREGNANCY TEST AT INTAKE AND SCORES POSITIVE ON THE SUBSTANCE USE DISORDER SCREENING SHALL BE REFERRED IMMEDIATELY TO A BEHAVIORAL HEALTH CARE PROVIDER AND A REPRODUCTIVE HEALTH CARE PROVIDER FOR:

(I) FULL ASSESSMENT;

(II) COUNSELING ON ALL AVAILABLE AND RECOMMENDED TREATMENT OPTIONS; AND

(III) IF CLINICALLY APPROPRIATE, THE INITIATION OR CONTINUATION OF MEDICATION.

(3) IF A PREGNANT INCARCERATED INDIVIDUAL WAS RECEIVING MEDICATION TREATMENT FOR OPIOID USE DISORDER PRIOR TO INCARCERATION AND DESIRES TO CONTINUE THAT TREATMENT WHILE INSIDE THE CORRECTIONAL UNIT, THE CORRECTIONAL UNIT SHALL ENSURE THAT THE INDIVIDUAL CONTINUES TO RECEIVE THE SAME MEDICATION WITHOUT A BREAK IN CARE.

(4) A PREGNANT INCARCERATED INDIVIDUAL WITH OPIOID USE DISORDER WHO WAS NOT ON MEDICATION TREATMENT BEFORE INCARCERATION SHALL BE STARTED ON APPROPRIATE MEDICATION TREATMENT WHILE IN CUSTODY IF:

1 (I) THE TREATMENT IS RECOMMENDED; AND

2 (II) THE INDIVIDUAL CONSENTS TO THE TREATMENT.

3 (5) A PREGNANT INCARCERATED INDIVIDUAL FOR WHOM
4 MEDICATION FOR THE TREATMENT OF OPIOID USE DISORDER IS INDICATED BUT
5 WHO DECLINES THIS TYPE OF TREATMENT, OR WHO WOULD LIKE TO TERMINATE
6 THE USE OF MEDICATION WHILE INCARCERATED, SHALL BE:

7 (I) ALLOWED TO DECLINE OR TERMINATE MEDICATION
8 TREATMENT IN A TIMELY MANNER; AND

9 (II) COUNSELED ON THE RISKS ASSOCIATED WITH THE ACTION.

10 (6) ALL CORRECTIONAL UNITS SHALL FOLLOW THE CLINICAL
11 GUIDANCE OF THE AMERICAN COLLEGE OF NURSE MIDWIVES OR THE AMERICAN
12 COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS WHEN PROVIDING CARE TO
13 PREGNANT INCARCERATED INDIVIDUALS.

14 (D) BEFORE RELEASING A PREGNANT INCARCERATED INDIVIDUAL, A
15 CORRECTIONAL UNIT SHALL:

16 (1) CONTACT AND WORK WITH THE APPROPRIATE GOVERNMENT
17 AGENCIES AND OTHER ENTITIES TO ARRANGE HEALTH INSURANCE COVERAGE FOR
18 THE INDIVIDUAL, WITH COVERAGE TO BECOME EFFECTIVE NOT LATER THAN 24
19 HOURS AFTER RELEASE;

20 (2) REFER THE INDIVIDUAL TO A QUALIFIED REPRODUCTIVE HEALTH
21 CARE PROVIDER THAT OFFERS SPECIALIZED SERVICES FOR PREGNANT AND
22 POSTPARTUM INDIVIDUALS IN THE JURISDICTION OF THE INDIVIDUAL'S RESIDENCE
23 TO CONTINUE PREGNANCY-RELATED HEALTH CARE; AND

24 (3) REFER THE INDIVIDUAL TO A COMMUNITY-BASED MENTAL
25 HEALTH AND SUBSTANCE USE PROFESSIONAL FOR TREATMENT AND MEDICATION
26 CONTINUITY IN THE JURISDICTION OF RESIDENCE OF THE INDIVIDUAL.

27 (E) IMMEDIATELY ON RELEASE OR WITHIN NOT MORE THAN 10 CALENDAR
28 DAYS AFTER RELEASE, A PREGNANT INCARCERATED INDIVIDUAL SHALL BE
29 PROVIDED WITH A COMPLETE COPY OF THE INDIVIDUAL'S MEDICAL RECORDS,
30 MENTAL HEALTH EVALUATIONS, ADDICTION EVALUATIONS, AND TREATMENT
31 ASSESSMENTS.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2022.