



## Legislation Text

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Int. No. 589

By Council Members Rivera, Cabán, Louis, Hanif, Joseph, Nurse, Gutiérrez, Sanchez, Ayala, Narcisse, Restler, Barron, Schulman and Hudson

A Local Law to amend the administrative code of the city of New York, in relation to reporting on medical care and outcomes for incarcerated pregnant persons

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-163 to read as follows:

§ 9-163 Medical care and outcomes for incarcerated pregnant persons. a. Definitions. For purposes of this section, the following terms have the following meanings:

Department. The term “department” means the New York city department of correction.

Maternal mortality. The term “maternal mortality” means the death of a person that occurs during pregnancy, or within one year from the end of pregnancy, regardless of the duration of such pregnancy.

Pregnancy-associated death. The term “pregnancy-associated death” means the death of a person from any cause during pregnancy or within one year from the end of pregnancy.

Pregnancy-related death. The term “pregnancy-related death” means the death of a person (i) during pregnancy or within one year from the end of pregnancy that (ii) is due to a pregnancy complication, a chain of events initiated by pregnancy or the aggravation of an unrelated condition by the physiologic effects of pregnancy.

Relevant agencies. The term “relevant agencies” includes the department of health and mental hygiene, New York city health and hospitals corporation, any successor of an agency specified in this definition and any

other agency that the department deems relevant.

Severe maternal morbidity. The term “severe maternal morbidity” means a life-threatening complication affecting a person before, during or after pregnancy.

b. Report. By no later than 90 days after the effective date of the local law that added this section, and annually thereafter, the department, in consultation with the relevant agencies, shall report on the medical care and outcomes of incarcerated pregnant persons. The department shall submit such annual report to the mayor and the speaker of the council and post such report on its website. Such report shall include, but not be limited to, the following anonymized information for the preceding calendar year:

1. A table regarding the medical care provided to incarcerated pregnant persons before, during and after pregnancy, with each separate row referencing a unique incarcerated pregnant person and providing the following information about each such person, set forth in separate columns:

(a) Age group, within ranges as determined by the department;

(b) Ethnicity;

(c) Race;

(d) The facility where such person was detained;

(e) The trimester of pregnancy during which such person entered prenatal care;

(f) The prenatal and postnatal care provided to such person, as required by paragraph (2) of subdivision (e) of section 3-06 of title 40 of the rules of the city of New York or a successor rule;

(g) Whether such person’s pregnancy resulted in a miscarriage, a still birth or a live birth;

(h) Whether such person received an abortion in an appropriately equipped and licensed medical facility within a reasonable time-frame, if applicable, as required by paragraph (3) of subdivision (e) of section 3-06 of title 40 of the rules of the city of New York or a successor rule; and

(i) The arrangements made to ensure such person’s child birth occurred in a safe and appropriately equipped medical facility outside of the correctional facility, if applicable, as required by paragraph (4) of

subdivision (e) of section 3-06 of title 40 of the rules of the city of New York or a successor rule;

2. Information regarding the maternal mortalities of incarcerated pregnant persons, including, but not limited to, the following:

- (a) The number of such mortalities;
- (b) The most frequent causes of such mortalities;
- (c) The maternal mortality ratio;
- (d) The number of such mortalities that were pregnancy-associated deaths; and
- (e) The number of such mortalities that were pregnancy-related deaths;

3. Information regarding the severe maternal morbidities of incarcerated pregnant persons, including, but not limited to, the following:

- (a) The number of incarcerated pregnant persons with such morbidities;
- (b) A description of the most frequent causes of such morbidities;
- (c) The number of incarcerated pregnant persons with such morbidities who have a preexisting health condition or have had a previous miscarriage or a previous still birth; and
- (d) The number of incarcerated pregnant persons with such morbidities whose pregnancy resulted in a first live birth;

4. Any maternal mortality and morbidity data in the maternal mortality and morbidity annual report required by section 17-199.3 that the department or relevant agencies deem relevant;

5. Recommendations regarding actions the department or relevant agencies may take to improve the medical care of incarcerated pregnant persons during and after such persons' pregnancies; and

6. Recommendations regarding actions that the department or relevant agencies may take to improve the medical outcomes of incarcerated pregnant persons, including, but not limited to, the maternal mortalities and severe maternal morbidities of such persons.

c. Confidentiality. The department shall report information required by subdivision b of this section in a

manner that does not jeopardize the confidentiality of an incarcerated pregnant person.

§ 2. This local law takes effect immediately.

NLB  
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