



# AB 732 (Bonta) – Reproductive Dignity for Incarcerated People Act *(As amended March 21, 2019)*

## SUMMARY

AB 732 would improve the quality of reproductive health care for pregnant people in county jails and state prisons.

## BACKGROUND

People who are pregnant need regular care to have a healthy pregnancy. California law recognizes this by requiring that every pregnant inmate in a county jail and state facility is provided with a balanced, nutritious diet, prenatal and postpartum information, and childbirth and infant care education.

Pregnant people need timely and regular prenatal exams to have a healthy pregnancy. Under California's Code of Regulations, state prisons are required to provide pregnant people with their first prenatal exam within 7 days of arrival and then regular appointments thereafter. This requirement does not apply to jails although they are consistent with medical best practices for jails.

Beyond diet, pregnant inmates need a range of other accommodations to deal with the intense physical demands of pregnancy. These include getting a lower-tier housing assignment or bottom bunk so that they can avoid the strain and risk of falling that comes with frequently climbing stairs or steps up to a bunk. California's regulations require pregnant inmates in state prisons to be housed in a multi-tier housing unit for lower bunks and lower tier housing. Jails do not have this requirement.

Labor and delivery is stressful and scary time for many people, even when they are surrounded by loved ones. California prisons are required to allow pregnant inmates to have a support person present during labor and delivery. Jails are not subject to these requirements, leaving pregnant people in jails to give birth without any loved ones present.

## NEED FOR THE BILL

While institutions of incarceration should be meeting all the health needs of people behind bars, reproductive health care needs are often unique and time-sensitive and do not correspond well to the traditional "sick-call" process for obtaining medical care. The lack of standardization of care in state prisons and county jails adversely impacts pregnancy and childbirth outcomes, as well as the health and wellbeing of both the parent and the infant. It also increases the number of preventable pregnancy- and childbirth-related deaths and medical complications. Over the last year alone, there have been reports and lawsuits throughout the state that expose these systemic failings. For instance, a class-action lawsuit was filed against the Santa Rita Jail in Alameda County alleging that inmates were coerced into abortions, treated inhumanly, and not provided

with necessary prenatal care. The plaintiffs alleged a reprehensible pattern of maltreatment that resulted in three miscarriages and a woman giving birth in isolation.

California is obligated to uphold the dignity and humanity of people who are incarcerated by providing holistic health care, services, and support. Currently, protections that address obstetric care, housing accommodations, and the presence of a support person, among other issues, are confined to a section of the California Code of Regulations that applies to prisons but not jails. An alignment of policies would ensure pregnant people throughout California's criminal justice system are treated equitably.

## SOLUTION

AB 732 would codify into law regulations for state prisons and extend protections for pregnant people incarcerated in California's state prisons to pregnant people in county jails. Specifically, under AB 732 county jails and state facilities would be required to:

- Ensure an inmate who is identified as possibly pregnant during an intake health exam is scheduled for laboratory work to verify pregnancy.
- Schedule a pregnant inmate for an obstetrics exam within 7 days and then regular obstetrics and prenatal care visits thereafter.
- Give inmates access to community programs.
- Provide pregnant inmates with prenatal vitamins, care that includes treatment for infectious diseases, & access to a doula.
- Assign pregnant inmates to lower bunks and lower tier housing.
- Allow a pregnant inmate to have a support person present during childbirth.
- Provide inmates with postpartum examinations.
- Prohibit the shackling of pregnant inmates who are hospitalized for prolonged periods of time or are experiencing frequent labor contractions.
- Prohibit solitary confinement of pregnant inmates.

## SUPPORT

Women's Policy Institute, The Women's Foundation of California (Sponsor)

ACCESS Women's Health Justice  
American Civil Liberties Union of California  
Black Women for Wellness Action Project  
California Attorneys for Criminal Justice  
California Catholic Conference  
California Latinas for Reproductive Justice  
California Public Defenders Association  
California Women's Law Center  
Center for Reproductive Rights and Justice

Citizens for Choice  
Ella Baker Center for Human Rights  
If/When/How: Lawyering for Reproductive Justice  
Initiate Justice  
Kehilla Community Synagogue  
Khmer Girls in Action  
National Council of Jewish Women of Los Angeles  
NARAL Pro-Choice California  
Positive Women's Network-USA  
Riverside Sheriffs' Association

**OPPOSITION**

California State Sheriffs' Association

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