

**ORDINANCE 70952**

**BOARD BILL NO. 212CS INTRODUCED BY: ALDERWOMAN CHRISTINE  
INGRASSIA/ALDERWOMAN MEGAN E. GREEN/ALDERWOMAN PAM  
BOYD/ALDERMAN SHANE COHN/ALDERWOMAN CARA SPENCER/ALDERMAN  
JOSEPH VACCARO/ALDERMAN JACK COATAR/ALDERMAN  
ARNOWITZ/ALDERMAN TERRY KENNEDY/ALDERMAN JEFFREY  
BOYD/ALDERWOMAN ANNIE RICE**

1 An ordinance pertaining to the duties of the Commissioner of Corrections (“Commissioner”)  
2 and St. Louis City Sheriff, amending Title 16, Chapter 16.16 by adding to new sections to  
3 Chapter 16.16; new section 16.16.350 requiring that the physical health needs of pregnant  
4 inmates, including providing for adequate nutrition, clothing, continued and adequate access  
5 to prenatal care and all other pregnancy related health services, and to limit the restraint of  
6 pregnant inmates throughout their pregnancies and post-partum period while in custody; and  
7 new section 16.16.360 requiring that ~~feminine-hygiene-menstrual~~ supplies for all female  
8 and/or menstruating inmates be provided; and containing an emergency clause.

9 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

10 **SECTION ONE.**

11 Chapter 16.16 is hereby amended by adding a new section to Chapter 16.16, section  
12 16.16.350, which shall be and read as follows:

13 Chapter 16.16.350.

14 It shall further be the duty of Commissioner to provide for the health and well-being of  
15 pregnant inmates by:

16 (a) Upon admission to a city jail, while awaiting trial or after sentencing, ensuring that all  
17 female inmates, or other inmates regardless of gender identity who have the capacity  
18 to become pregnant, shall be screened and assessed for pregnancy by a licensed health  
19 care professional; provided, however, that each inmate shall be informed of any

1 necessary medical tests connected with the pregnancy screening prior to the  
2 administration of such tests.

3 (b) A pregnant inmate shall receive nondirective counseling and written material, in a  
4 form the inmate can understand, on pregnancy options and city jail policies and  
5 practices regarding care and labor for pregnant inmates, including information about  
6 (A) the inmate's options with regard to her pregnancy, (B) prenatal nutrition, (C)  
7 maintaining a healthy pregnancy, (D) labor and delivery, (E) the postpartum period,  
8 (F) the institution's policies and practices regarding the care of an inmate during  
9 pregnancy, labor and delivery and the postpartum period, and (G) restrictions on the  
10 use of restraints on pregnant inmates.

11 (c) The Commissioner shall ensure that at least one (1) member of the city jail's medical  
12 staff is trained in pregnancy-related care, which shall include knowledge of prenatal  
13 nutrition, high-risk pregnancy, addiction and substance abuse during pregnancy and  
14 childbirth education.

15 (d) A pregnant and/or postpartum inmate shall not be segregated or isolated unless a  
16 documented determination is made that the inmate poses a serious risk of harm to  
17 herself or others.

18 (e) A pregnant and/or postpartum inmate shall be provided regular prenatal and  
19 postpartum medical care in city jail, including: periodic health monitoring and  
20 evaluation during pregnancy; the opportunity for a minimum of 1 hour of ambulatory  
21 movement each day; a diet containing the nutrients necessary to maintain a healthy  
22 pregnancy as determined by a licensed health care provider trained in prenatal care,

1 including prenatal vitamins and supplements; postpartum screening for depression;  
2 and written information regarding prenatal nutrition, maintaining a healthy pregnancy  
3 and childbirth.

4 (f) If a departmental or contracted licensed health care provider in prenatal medical care,  
5 or any other health care professional who evaluates or treats an inmate who is  
6 pregnant, determines that the inmate's pregnancy is high risk or involves any other  
7 medical complication for either the inmate or the baby, such inmate shall be  
8 immediately transferred to the medical infirmary setting or any hospital deemed  
9 appropriate, as determined by such health care provider or professional.

10 (g) If a pregnant or postpartum inmate needs prenatal care or other pregnancy-related care  
11 that is not available at the city jail, she must be transported to an appropriate medical  
12 facility that can provide that care.

13 (h) Pregnant and postpartum inmates shall be provided with the clothing, undergarments  
14 and sanitary materials deemed appropriate by a licensed health care provider who has  
15 been trained in prenatal and postpartum medical care. Postpartum inmates must also  
16 be supplied with adequate materials for pumping and storing breastmilk. The city jail  
17 staff shall develop a lactation policy to ensure that postpartum lactating inmates have  
18 an opportunity to pump, store milk and transfer that milk in a timely manner to the  
19 person caring for and feeding the inmate's infant up until the age of one.

20 (i) Throughout pregnancy and during post-delivery recuperation, as determined by the  
21 attending physician, an inmate shall be transported to and from visits to medical  
22 providers and court proceedings in a vehicle with seatbelts, if available. Waist

1 restraints shall not be used on a pregnant or postpartum inmate at any time. Patients in  
2 labor shall leave and enter city jail and any health care facility in a wheelchair to  
3 prevent falling.

4 (j) A pregnant inmate shall receive labor and delivery care in an accredited hospital. An  
5 inmate who is in any stage of labor or delivery, as determined by a licensed health care  
6 professional, shall not have waist restraints, including during transportation. If a  
7 correction officer or sheriff is present in the room during the pregnant inmate's  
8 physical examinations, labor or childbirth, the officer shall, if possible, be female.  
9 Whenever possible, the correction officer or sheriff shall be positioned immediately  
10 outside the door or in a location in the room that will ensure, to the extent possible,  
11 patient privacy.

12 (k) If a licensed health care professional determines that an inmate is suffering from  
13 postpartum depression, she shall have regular access to a mental health clinician.

14 (l) City jails must also make reasonable accommodations for the provision of available  
15 doula services to inmates who are pregnant or who have given birth in the last six  
16 weeks. Persons providing doula services must be granted appropriate facility access,  
17 must be allowed to attend and provide assistance during labor and childbirth where  
18 feasible. For purposes of this section, 'Doula services' are services provided by a  
19 trained doula and designed to provide physical, emotional, or informational support to  
20 a pregnant woman before, during, and after delivery of a child. Doula services may  
21 include, but are not limited to: Support and assistance during labor and childbirth;  
22 prenatal and postpartum education breastfeeding assistance; parenting education; and

1 support in the event that a woman has been or will become separated from her child.  
2 Nothing in this section requires the Commissioner or sheriff to establish or provide  
3 funding for doula services, or prevents the Commissioner or sheriff from adopting  
4 policy guidelines for the delivery of doula services to inmates. Services provided  
5 under this section may not supplant health care services routinely provided to the  
6 inmate.

7 (m) During post-delivery recuperation, inmates shall remain in the hospital until the  
8 attending physician certifies they may be safely discharged and transferred back to the  
9 correctional facility. An inmate in post-delivery recuperation shall not be placed in  
10 restraints, except under extraordinary circumstances.

11 a. For the purposes of this section, “extraordinary circumstances” shall mean a  
12 situation in which a correction officer or sheriff determines that the specific  
13 inmate presents an immediate and serious threat to herself or others or in which  
14 the inmate presents an immediate and credible risk of escape that cannot be  
15 curtailed by other reasonable means. If an inmate is restrained, the restraints  
16 shall be the least restrictive available and the most reasonable under the  
17 circumstances. Waist restraints shall not be used on a pregnant or postpartum  
18 inmate. If the attending physician or nurse treating the pregnant inmate  
19 requests that restraints be removed for medical reasons, the correction officer  
20 or sheriff shall immediately remove all restraints.

21 (n) Nothing in this section shall prohibit the use of hospital restraints requested by a  
22 treating physician for the medical safety of a patient.

1 (o) The Commissioner must ensure that there is a written policy specifying the details of  
2 sections (a) – (m) above, assigning responsibility for carrying out each section to a  
3 particular staff or set of staff, and indicating how compliance with each subsection  
4 will be monitored and deficiencies addressed.

5 **SECTION TWO.** Chapter 16.16 is hereby amended by adding a new section to Chapter  
6 16.16, section 16.16.360, which shall be and read as follows:

7 Chapter 16.16.360.

8 Access to menstrual products The Commissioner shall have the duty of ensuring that  
9 all female and/or menstruating inmates shall be provided, upon request, with menstrual  
10 supplies as needed ~~as soon as practicable~~. Correctional staff shall provide such ~~feminine~~  
11 ~~hygiene~~ menstrual products for free. ~~and in a quantity that is appropriate to the health care~~  
12 ~~needs of the inmate~~. For purposes of this section, "~~feminine hygiene~~ menstrual products"  
13 means sanitary napkins and tampons which conform to applicable regulatory standards.

14 **SECTION THREE.** Emergency clause. This being an ordinance for the preservation of  
15 public peace, health, and safety, it is hereby declared to be an emergency measure within the  
16 meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis, and  
17 therefore this Ordinance shall become effective immediately upon its passage and approval by  
18 the Mayor.