

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1509 Session of 2023

INTRODUCED BY N. NELSON, KIM, WEBSTER, KHAN, A. BROWN, MADDEN, HILL-EVANS, PROBST, SANCHEZ, DELLOSO, KINSEY, D. WILLIAMS, GREEN, SHUSTERMAN AND BRIGGS, JUNE 26, 2023

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 8, 2024

AN ACT

1 ~~Amending Title 61 (Prisons and Parole) of the Pennsylvania~~ <--  
2 ~~Consolidated Statutes, in county correctional institutions,~~  
3 ~~further providing for establishment.~~

4 AMENDING TITLES 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND TITLE <--  
5 61 (PRISONS AND PAROLE) OF THE PENNSYLVANIA CONSOLIDATED  
6 STATUTES, IN JUVENILE MATTERS, PROVIDING FOR PREGNANT OR  
7 POSTPARTUM RESTRICTIONS, TRAINING, SUPPORTS AND REPORTING; IN  
8 GENERAL ADMINISTRATION RELATING TO CORRECTIONAL INSTITUTIONS,  
9 FURTHER PROVIDING FOR STATE RECORDING SYSTEM RELATING TO  
10 PREGNANT AND POSTPARTUM INCARCERATED INDIVIDUALS OR  
11 DETAINEES; IN COUNTY CORRECTIONAL INSTITUTIONS, FURTHER  
12 PROVIDING FOR ESTABLISHMENT AND FOR COUNTY RECORDING SYSTEM  
13 FOR PREGNANT AND POSTPARTUM INCARCERATED INDIVIDUALS OR  
14 DETAINEES; REPEALING PROVISIONS RELATING TO DEPARTMENT OF  
15 HUMAN SERVICES FACILITIES; AND, IN MISCELLANEOUS PROVISIONS  
16 RELATING TO INMATE CONFINEMENT, FURTHER PROVIDING FOR HEALTHY  
17 BIRTH FOR INCARCERATED WOMEN, FOR CAVITY SEARCH AND  
18 INSPECTION RESTRICTIONS, FOR TRAINING AND EDUCATION  
19 REQUIREMENT AND FOR POSTPARTUM RECOVERY.

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 ~~Section 1. Section 1731(b) of Title 61 of the Pennsylvania~~ <--  
23 ~~Consolidated Statutes is amended and subsection (a) is amended~~  
24 ~~by adding a paragraph to read:~~

25 ~~§ 1731. Establishment.~~

1 ~~(a) General rule.~~

2 \* \* \*

3 ~~(2.1) The members of the board under paragraph (2) may~~  
4 ~~appoint not less than two and not more than four additional~~  
5 ~~members to the board who must be residents of the county for~~  
6 ~~which the board is established.~~

7 \* \* \*

8 ~~(b) Counties that may elect to be subject to subchapter.~~

9 ~~Any county of the second class A or sixth, seventh or eighth~~  
10 ~~class may elect by resolution of the county commissioners to be~~  
11 ~~governed by the provisions of this subchapter.~~

12 \* \* \*

13 ~~Section 2. This act shall take effect in 60 days.~~

14 SECTION 1. CHAPTER 63 OF TITLE 42 OF THE PENNSYLVANIA <--  
15 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBCHAPTER TO READ:

16 SUBCHAPTER G

17 PREGNANT OR POSTPARTUM RESTRICTIONS, TRAINING,

18 SUPPORTS AND REPORTING

19 SEC.

20 6381. DEFINITIONS.

21 6382. SECLUSION, EXCLUSION AND ALTERNATIVE METHODS OF  
22 DISCIPLINE.

23 6383. BODY CAVITY SEARCH AND INSPECTION RESTRICTIONS.

24 6384. TRAINING AND EDUCATION REQUIREMENT.

25 6385. MENSTRUAL HYGIENE AND INCONTINENCE PRODUCTS.

26 6386. RESTRAINTS, LABOR AND POSTPARTUM RECOVERY.

27 6387. REPORTS RELATING TO PREGNANT OR POSTPARTUM CHILD.

28 § 6381. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
30 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 "BODY CAVITY SEARCH." AN INVASIVE SEARCH OF A CHILD  
3 CONDUCTED BY STAFF IN SEARCH OF CONTRABAND, EXCLUDING THE NOSE,  
4 EARS AND MOUTH.

5 "CHILD." AS FOLLOWS:

6 (1) AN INDIVIDUAL WHO RESIDES IN AN ENTITY LICENSED OR  
7 OPERATED BY THE DEPARTMENT AND MEETS ONE OF THE FOLLOWING  
8 CONDITIONS:

9 (I) IS UNDER 18 YEARS OF AGE.

10 (II) IS UNDER 21 YEARS OF AGE AND COMMITTED AN ACT  
11 OF DELINQUENCY BEFORE REACHING 18 YEARS OF AGE AND  
12 REMAINS UNDER THE JURISDICTION OF THE JUVENILE COURT.

13 (III) WAS ADJUDICATED DEPENDENT BEFORE REACHING 18  
14 YEARS OF AGE AND, WHILE ENGAGED IN INSTRUCTION OR  
15 TREATMENT, REQUESTS THE COURT TO RETAIN JURISDICTION  
16 UNTIL THE INSTRUCTION OR TREATMENT IS COMPLETED, BUT A  
17 CHILD MAY NOT REMAIN IN A COURSE OF INSTRUCTION OR  
18 TREATMENT PAST 21 YEARS OF AGE.

19 (IV) HAS AN INTELLECTUAL DISABILITY, A MENTAL  
20 ILLNESS OR A SERIOUS EMOTIONAL DISTURBANCE, WITH A  
21 TRANSFER PLAN TO MOVE TO AN ADULT SETTING BY 21 YEARS OF  
22 AGE.

23 (2) THE TERM DOES NOT INCLUDE A CHILD IN A FOSTER FAMILY  
24 HOME AS PROVIDED IN 42 U.S.C. CH. 7 SUBCH. IV (RELATING TO  
25 GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH  
26 CHILDREN AND FOR CHILD-WELFARE SERVICES).

27 "DEPARTMENT." THE DEPARTMENT OF HUMAN SERVICES OF THE  
28 COMMONWEALTH.

29 "EXCLUSION." AS FOLLOWS:

30 (1) A CHILD'S INVOLUNTARY ISOLATION OR REMOVAL FROM THE

1 CHILD'S IMMEDIATE ENVIRONMENT AND RESTRICTING THE CHILD ALONE  
2 TO A ROOM OR AREA.

3 (2) THE TERM DOES NOT INCLUDE:

4 (I) INSTANCES WHERE FACILITY STAFF REMAINS IN THE  
5 EXCLUSION AREA WITH THE CHILD.

6 (II) A CHILD VOLUNTARILY CHOOSING TO MOVE TO AND  
7 REMAIN BY THEMSELVES IN AN AREA TO SELF-REGULATE.

8 "FACILITY." EXCEPT AS EXEMPTED BY REGULATION, A PREMISES OR  
9 PART OF A PREMISES SERVING CHILDREN WHO ARE ADJUDICATED EITHER  
10 DEPENDENT OR DELINQUENT AND MEETING ONE OF THE FOLLOWING  
11 CONDITIONS:

12 (1) OPERATED FOR A PORTION OF A 24-HOUR DAY IN WHICH  
13 ALTERNATIVE EDUCATION, INTERVENTION OR SUPPORT PROGRAMS ARE  
14 PROVIDED TO ONE OR MORE CHILDREN TO PREVENT A CHILD'S  
15 PLACEMENT IN A MORE RESTRICTIVE SETTING OR TO FACILITATE THE  
16 CHILD'S REUNIFICATION WITH THE CHILD'S FAMILY.

17 (2) OPERATED IN A 24-HOUR LIVING SETTING IN WHICH CARE  
18 IS PROVIDED FOR ONE OR MORE CHILDREN WHO ARE NOT RELATIVES OF  
19 THE FACILITY OPERATOR.

20 "HEALTH CARE PROFESSIONAL." AN INDIVIDUAL WHO IS LICENSED,  
21 CERTIFIED OR OTHERWISE AUTHORIZED OR PERMITTED BY THE LAWS OF  
22 THIS COMMONWEALTH TO ADMINISTER HEALTH CARE IN THE ORDINARY  
23 COURSE OF BUSINESS OR IN THE PRACTICE OF A PROFESSION.

24 "MENSTRUAL HYGIENE PRODUCTS." AS FOLLOWS:

25 (1) PRODUCTS RELATING TO BODILY FUNCTIONS THAT ARE USED  
26 DURING MENSTRUATION.

27 (2) THE TERM INCLUDES TAMPONS AND SANITARY PADS.

28 "POSTPARTUM." AN EIGHT-WEEK PERIOD OR A LONGER PERIOD AS  
29 DETERMINED BY THE HEALTH CARE PROFESSIONAL RESPONSIBLE FOR THE  
30 HEALTH AND SAFETY OF THE CHILD FOLLOWING CHILDBIRTH.

1 "RESTRAINTS." ANY PHYSICAL OR MECHANICAL DEVICE USED TO  
2 RESTRICT OR CONTROL THE MOVEMENT OF A CHILD'S BODY OR LIMBS OR  
3 BOTH.

4 "SECLUSION." PLACING A CHILD IN A LOCKED ROOM WITH ANY TYPE  
5 OF DOOR-LOCKING DEVICE, SUCH AS KEY LOCK, SPRING LOCK, BOLT  
6 LOCK, FOOT PRESSURE LOCK OR PHYSICALLY HOLDING THE DOOR SHUT.

7 "STAFF." AN INDIVIDUAL WHO IS EMPLOYED BY A FACILITY.

8 "STATE OF UNDRRESS." A STATE WHERE A CHILD IS PARTIALLY OR  
9 FULLY NAKED, EITHER IN THE SHOWER, TOILET AREAS, A MEDICAL  
10 EXAMINATION ROOM OR WHILE A BODY CAVITY SEARCH IS BEING  
11 CONDUCTED.

12 "SUBSTANTIAL RISK OF IMMINENT FLIGHT." A SHOWING OF REAL AND  
13 CONSIDERABLE RISK OF ESCAPING BY A CHILD FROM A FACILITY.

14 "TRAUMA-INFORMED APPROACH." A STRENGTHS-BASED APPROACH TO  
15 SERVICE DELIVERY AND ORGANIZATIONAL STRUCTURE THAT:

16 (1) REALIZES THE WIDESPREAD IMPACT OF TRAUMA, INCLUDING  
17 HISTORICAL TRAUMA.

18 (2) UNDERSTANDS POTENTIAL PATHS TO RECOVERY.

19 (3) RECOGNIZES THE SIGNS AND SYMPTOMS OF TRAUMA IN A  
20 CHILD, PARENT, LEGAL GUARDIAN, STAFF OR ANOTHER INVOLVED IN  
21 THE SYSTEM.

22 (4) RESPONDS BY FULLY INTEGRATING KNOWLEDGE ABOUT TRAUMA  
23 INTO POLICIES, PROCEDURES, PRACTICES AND RELATIONSHIPS.

24 (5) SEEKS TO ACTIVELY PREVENT RETRAUMATIZATION.

25 § 6382. SECLUSION, EXCLUSION AND ALTERNATIVE METHODS OF  
26 DISCIPLINE.

27 (A) SECLUSION.--A PREGNANT OR POSTPARTUM CHILD MAY NOT BE  
28 PLACED IN SECLUSION IN ANY FACILITY IN THIS COMMONWEALTH.

29 (B) ALTERNATIVE DISCIPLINE.--FORMS OF DISCIPLINE FOR A  
30 PREGNANT OR POSTPARTUM CHILD SHALL BE LIMITED TO SANCTIONS OR

1 OTHER COMMON FORMS OF ALTERNATIVE DISCIPLINE USED IN THE UNITED  
2 STATES.

3 (C) EXCLUSION.--A PREGNANT OR POSTPARTUM CHILD MAY BE PLACED  
4 IN EXCLUSION ONLY AS A TEMPORARY RESPONSE TO BEHAVIOR THAT POSES  
5 A SERIOUS AND IMMEDIATE RISK OF PHYSICAL HARM TO THE PREGNANT OR  
6 POSTPARTUM CHILD, ANOTHER CHILD, STAFF OR THE UNBORN CHILD OF  
7 THE PREGNANT CHILD. THE FOLLOWING APPLY:

8 (1) THE DECISION TO PLACE A PREGNANT OR POSTPARTUM CHILD  
9 IN EXCLUSION UNDER THIS SUBSECTION MUST BE APPROVED BY THE  
10 INDIVIDUAL IN CHARGE OF THE FACILITY.

11 (2) THE RATIONALE FOR THE DECISION TO USE EXCLUSION MUST  
12 BE DOCUMENTED AS REQUIRED BY SECTION 6387 (RELATING TO  
13 REPORTS RELATING TO PREGNANT OR POSTPARTUM CHILD).

14 (3) PERIODS OF EXCLUSION SHALL BE IN ACCORDANCE WITH  
15 DEPARTMENTAL REGULATIONS.

16 (D) BED ASSIGNMENTS.--THE FACILITY MAY NOT ASSIGN A PREGNANT  
17 CHILD TO ANY BED THAT IS ELEVATED MORE THAN THREE FEET FROM THE  
18 FLOOR OF THE FACILITY.

19 § 6383. BODY CAVITY SEARCH AND INSPECTION RESTRICTIONS.

20 (A) BODY CAVITY SEARCH AND INSPECTION RESTRICTIONS.--TO THE  
21 GREATEST EXTENT POSSIBLE:

22 (1) ONLY A HEALTH CARE PROFESSIONAL SHALL CONDUCT AN  
23 INVASIVE BODY CAVITY SEARCH OF A PREGNANT CHILD.

24 (2) IF A SEARCH IS REQUIRED, STAFF SHALL ACCOMMODATE THE  
25 CHILD'S STATED PREFERENCE REGARDING THE GENDER OF THE STAFF  
26 TO BE PRESENT IN THE ROOM DURING THE SEARCH, EXCEPT IN CASES  
27 OF EXIGENT CIRCUMSTANCES AS DETERMINED BY THE FACILITY  
28 DIRECTOR OR DESIGNEE.

29 (B) DOCUMENTATION REQUIREMENT.--IF A HEALTH CARE  
30 PROFESSIONAL IS REQUIRED TO PERFORM AN INVASIVE BODY CAVITY

1 SEARCH ON A PREGNANT CHILD, OR THE CHILD'S STATED PREFERENCE  
2 REGARDING THE GENDER OF THE STAFF PRESENT IN THE ROOM DURING A  
3 SEARCH WHILE THE CHILD IS IN A STATE OF UNDRRESS IS NOT MET,  
4 STAFF SHALL SUBMIT A WRITTEN REPORT TO THE INDIVIDUAL IN CHARGE  
5 OF THE FACILITY WITHIN 72 HOURS FOLLOWING THE BODY CAVITY SEARCH  
6 OR INSPECTION. THE REPORT UNDER THIS SUBSECTION SHALL:

7 (1) INCLUDE THE JUSTIFICATION FOR PERFORMING THE BODY  
8 CAVITY SEARCH OR FAILING TO HONOR THE CHILD'S STATED  
9 PREFERENCE REGARDING THE GENDER OF THE STAFF PERFORMING THE  
10 INSPECTION.

11 (2) NOTE IF ANY CONTRABAND WAS FOUND ON THE CHILD.

12 (3) BE SENT TO THE DEPARTMENT.

13 § 6384. TRAINING AND EDUCATION REQUIREMENT.

14 (A) FACILITY STAFF TRAINING.--BEGINNING ~~OCTOBER 1, 2024~~ <--  
15 DECEMBER 31, 2025, THE FACILITY SHALL PROVIDE OR ARRANGE A <--  
16 TRAINING PROGRAM FOR STAFF WHO HAVE CONTACT WITH A PREGNANT,  
17 LABORING OR POSTPARTUM CHILD. THE TRAINING PROGRAM SHALL BE  
18 RELATED TO THE PHYSICAL AND MENTAL HEALTH OF THE PREGNANT OR  
19 POSTPARTUM CHILD AND UNBORN BABY, INCLUDING:

20 (1) THE GENERAL CARE OF A PREGNANT CHILD.

21 (2) THE IMPACT OF RESTRAINTS ON A PREGNANT CHILD AND  
22 UNBORN BABY.

23 (3) THE IMPACT OF BEING PLACED IN ~~SECLUSION~~ EXCLUSION ON <--  
24 A PREGNANT CHILD.

25 (4) THE IMPACT OF INVASIVE SEARCHES ON A PREGNANT CHILD.

26 (5) ANY OTHER PERTINENT INFORMATION THE DEPARTMENT FINDS  
27 APPROPRIATE OR NECESSARY.

28 (B) FACILITY STAFF TRAINING EXCEPTIONS.--IF THE FACILITY  
29 PROHIBITS THE PLACEMENT OF A PREGNANT CHILD AS A MATTER OF  
30 POLICY, THE FACILITY MAY SUBMIT A WRITTEN EXEMPTION REPORTING

1 THAT THERE IS NO RISK OF STAFF INTERACTING WITH A PREGNANT CHILD  
2 HOUSED IN THE FACILITY. THE FOLLOWING APPLY:

3 (1) THE EXEMPTION UNDER THIS SUBSECTION SHALL APPLY ONLY  
4 TO THE FACILITY, NOT THE INDIVIDUAL STAFF OF THE FACILITY.

5 (2) ALL FACILITY STAFF THAT COME IN CONTACT WITH A  
6 PREGNANT CHILD SHALL COMPLETE THE TRAINING UNDER THIS  
7 SECTION.

8 (3) IF FACILITY STAFF WORK AT MORE THAN ONE INSTITUTION,  
9 THE STAFF MUST RECEIVE THE REQUIRED TRAINING AT THE NONEXEMPT  
10 FACILITY.

11 (C) EDUCATION PROGRAMMING FOR PREGNANT CHILD.--BEGINNING  
12 ~~OCTOBER 1, 2024~~ DECEMBER 31, 2025, THE FACILITY SHALL PROVIDE OR <--  
13 ARRANGE EDUCATIONAL PROGRAMMING FOR A PREGNANT OR POSTPARTUM  
14 CHILD. THE EDUCATIONAL PROGRAMMING SHALL BE RELATED TO:

15 (1) MEDICAL SCREENINGS RELATED TO REPRODUCTIVE AND  
16 OVERALL HEALTH, INCLUDING PREVENTIVE SCREENINGS.

17 (2) PRENATAL CARE.

18 (3) PREGNANCY-SPECIFIC HYGIENE.

19 (4) THE IMPACT OF ALCOHOL AND DRUGS ON THE UNBORN BABY.

20 (5) GENERAL HEALTH OF THE UNBORN BABY.

21 (6) ANY OTHER PERTINENT INFORMATION THE DEPARTMENT FINDS  
22 APPROPRIATE OR NECESSARY.

23 (D) TRAUMA-INFORMED APPROACH.--

24 (1) THE INDIVIDUAL IN CHARGE OF A FACILITY SHALL, AS  
25 NECESSARY, ENSURE THAT THE FACILITY PROVIDES A QUALITY <--  
26 TRAUMA-INFORMED APPROACH TO A CHILD.

27 (2) ~~TRAUMA-INFORMED~~ A TRAUMA-INFORMED APPROACH FOR A <--  
28 CHILD SHALL BEGIN IMMEDIATELY UPON THE CHILD'S INTAKE AND  
29 ASSESSMENT AT A FACILITY.

30 (3) BEGINNING DECEMBER 31, 2025, FACILITY STAFF SHALL



<--

HAVE RECEIVE NO FEWER THAN FOUR HOURS OF PROFESSIONAL TRAINING RELATED TO TRAUMA-INFORMED APPROACH, WHICH SHALL INCLUDE THE FOLLOWING:

(I) TRAINING TO IDENTIFY A CHILD WITH TRAUMA.

(II) TRAINING ON HOW AND WHEN TO REFER A CHILD TO THE PROPER HEALTH CARE PROFESSIONALS, INCLUDING PREVENTIVE HEALTH CARE AND MENTAL HEALTH CARE.

(III) TRAINING ON HOW TO INTERACT WITH AND EMPOWER A CHILD WHO HAS EXPERIENCED TRAUMA.

§ 6385. MENSTRUAL HYGIENE AND INCONTINENCE PRODUCTS.

(A) ISSUANCE OF MENSTRUAL HYGIENE PRODUCTS.--

(1) A FACILITY SHALL SUPPLY MENSTRUAL HYGIENE PRODUCTS EACH MONTH TO A CHILD WHO IS MENSTRUATING AT NO COST TO THE CHILD, REGARDLESS OF FINANCIAL MEANS.

<--

(2) A CHILD MAY NOT BE REQUIRED TO SHOW PROOF OF NEED OR TO UNDERGO A MEDICAL EXAMINATION OR OBTAIN A MEDICAL PERMIT, AUTHORIZATION OR DIAGNOSIS TO RECEIVE THE PRODUCTS UNDER SUBSECTIONS (B) AND (C).

(B) MENSTRUAL HYGIENE PRODUCTS PROVIDED.--A CHOICE OF AT LEAST TWO SIZES OR ABSORBENCIES OF SANITARY PADS AND TAMPONS SHALL BE AVAILABLE TO A CHILD WHO IS MENSTRUATING IN A FACILITY OR, IF REQUESTED, FROM MEDICAL STAFF.

(C) ISSUANCE OF HYGIENE PRODUCTS RELATED TO BLADDER CONTROL AND INCONTINENCE.--A SUPPLY OF PRODUCTS FOR BLADDER CONTROL AND INCONTINENCE, INCLUDING ADULT DIAPERS AND PROTECTIVE UNDERGARMENTS, SHALL BE PROVIDED TO A CHILD, INCLUDING A POSTPARTUM CHILD, WHO REQUIRES THE PRODUCTS EACH MONTH AT NO COST TO THE CHILD, REGARDLESS OF FINANCIAL MEANS.

§ 6386. RESTRAINTS, LABOR AND POSTPARTUM RECOVERY.

(A) RESTRAINTS.--

1           (1) NO RESTRAINTS SHALL BE USED ON ANY CHILD WHO MEETS  
2 ANY OF THE FOLLOWING UNLESS THE FACILITY HAS A REASONABLE  
3 BELIEF THAT THE CHILD WILL HARM THE CHILD, THE CHILD'S  
4 NEWBORN OR ANOTHER INDIVIDUAL OR POSE A SUBSTANTIAL RISK OF  
5 IMMINENT FLIGHT:

6           (I) IS IN ANY STAGE OF PREGNANCY, LABOR OR DELIVERY. <--

7           ~~(II) IS EXPERIENCING A PREGNANCY RELATED MEDICAL~~ <--  
8 ~~DISTRESS.~~

9           ~~(III) HAS GIVEN BIRTH WITHIN THE LAST 30 DAYS AND IS~~  
10 ~~IN THE POSTPARTUM RECOVERY.~~

11           ~~(IV) IS BEING TRANSPORTED TO A MEDICAL FACILITY AS A~~  
12 ~~RESULT OF ANY CONDITIONS UNDER SUBPARAGRAPH (I), (II) OR~~  
13 ~~(III).~~

14           ~~(V) IS BEING TRANSPORTED TO A MEDICAL FACILITY AFTER~~  
15 ~~THE BEGINNING OF THE SECOND TRIMESTER OF PREGNANCY.~~

16           (II) HAS GIVEN BIRTH WITHIN THE LAST 30 DAYS AND IS <--  
17 IN THE POSTPARTUM RECOVERY.

18           (III) IS BEING TRANSPORTED TO A MEDICAL FACILITY AS  
19 A RESULT OF ANY CONDITIONS UNDER SUBPARAGRAPH (I) OR  
20 (II).

21           (2) IF RESTRAINTS ARE USED, THE STAFF ORDERING THE USE  
22 OF RESTRAINTS ON A CHILD SHALL SUBMIT A WRITTEN REPORT TO THE  
23 INDIVIDUAL IN CHARGE OF THE FACILITY WITHIN 72 HOURS  
24 FOLLOWING THE USE OF THE RESTRAINTS, CONTAINING THE  
25 JUSTIFICATION FOR RESTRAINING THE CHILD DURING POSTPARTUM  
26 RECOVERY. THE REPORT SHALL ALSO BE SENT TO THE DEPARTMENT.

27           (B) SPECIFIC REQUIREMENTS REGARDING RESTRAINTS.--IF  
28 RESTRAINT IS APPLIED UNDER SUBSECTION (A), THE FOLLOWING APPLY:

29           (1) AT NO TIME SHALL THE CHILD BE LEFT UNATTENDED BY  
30 FACILITY STAFF WITH THE ABILITY TO RELEASE THE RESTRAINT

1 SHOULD A RELEASE BECOME MEDICALLY NECESSARY.

2 (2) THE FACILITY STAFF ACCOMPANYING THE CHILD SHALL  
3 PROMPTLY REMOVE ALL RESTRAINTS UPON REQUEST OF A HEALTH CARE  
4 PROFESSIONAL.

5 (3) LEG OR WAIST RESTRAINTS SHALL NOT BE USED ON ANY  
6 CHILD WHO IS IN LABOR.

7 (C) LEAST RESTRICTIVE RESTRAINT.--WHEN A RESTRAINT IS  
8 PERMITTED UNDER THIS SECTION, A FACILITY SHALL USE THE LEAST  
9 RESTRICTIVE RESTRAINT NECESSARY.

10 (D) POSTDELIVERY BONDING PERIOD.--SUBJECT TO HOSPITAL  
11 POLICY, FOLLOWING THE DELIVERY OF A NEWBORN, THE DEPARTMENT  
12 SHALL PERMIT THE NEWBORN TO REMAIN WITH THE CHILD AT THE  
13 HOSPITAL FOR UP TO 72 HOURS UNLESS A HEALTH CARE PROFESSIONAL  
14 HAS A REASONABLE BELIEF THAT THE NEWBORN REMAINING WITH THE  
15 CHILD POSES A HEALTH OR SAFETY RISK TO THE NEWBORN.

16 (E) NUTRITIONAL AND HYGIENE PRODUCTS.--DURING THE 72-HOUR  
17 PERIOD UNDER SUBSECTION (D), THE ~~DEPARTMENT~~ FACILITY SHALL MAKE <--  
18 AVAILABLE THE NECESSARY NUTRITIONAL AND HYGIENE PRODUCTS TO CARE  
19 FOR THE NEWBORN.

20 § 6387. REPORTS RELATING TO PREGNANT OR POSTPARTUM CHILD.

21 (A) REQUIREMENT.--WITHIN 30 DAYS AFTER THE END OF A FISCAL  
22 YEAR, A FACILITY SHALL, IN WRITING, ANNUALLY REPORT TO THE  
23 DEPARTMENT ON EACH RESTRAINT APPLIED TO A PREGNANT, LABORING OR  
24 POSTPARTUM CHILD IN THE FACILITY'S CUSTODY. THE FOLLOWING APPLY:

25 (1) THE REPORT SHALL NOTE THE NUMBER AND TYPE OF  
26 RESTRAINTS APPLIED. <--

27 (2) THE PROVISIONS OF THIS SUBSECTION SHALL APPLY TO ANY  
28 PERSON TASKED WITH TRANSPORTING OR HOUSING A PREGNANT, <--  
29 LABORING OR POSTPARTUM CHILD. IN THE CASE OF ANY USE OF  
30 RESTRAINTS ON A PREGNANT, LABORING OR POSTPARTUM CHILD BY AN

1 INDIVIDUAL OR ENTITY THAT IS NOT EMPLOYED BY THE FACILITY BUT  
2 IS TRANSPORTING THE CHILD ON BEHALF OF THE FACILITY, THE  
3 INDIVIDUAL OR ENTITY SHALL REPORT THE RESTRAINT TO THE  
4 FACILITY IN A REASONABLE AMOUNT OF TIME AFTER THE INCIDENT  
5 OCCURS.

6 (B) CONTENTS OF REPORT.--REPORTS OF EACH RESTRAINT OR  
7 PLACEMENT OF A CHILD AS REQUIRED UNDER SUBSECTION (A) MUST  
8 INCLUDE THE FOLLOWING:

9 (1) THE CIRCUMSTANCES THAT LED TO THE DETERMINATION THAT  
10 THE CHILD REPRESENTED A SUBSTANTIAL RISK OF IMMINENT FLIGHT.

11 (2) THE CIRCUMSTANCES THAT LED TO THE DETERMINATION THAT  
12 OTHER EXTRAORDINARY MEDICAL OR SECURITY CIRCUMSTANCES  
13 DICTATED THAT THE CHILD BE RESTRAINED TO ENSURE THE SAFETY  
14 AND SECURITY OF THE CHILD, THE STAFF OF THE FACILITY OR  
15 MEDICAL FACILITY, ANOTHER CHILD OR THE PUBLIC.

16 (3) THE DATE AND TIME RESTRAINTS WERE APPLIED AND THE  
17 LENGTH OF TIME THE CHILD WAS KEPT IN RESTRAINTS.

18 (4) THE NUMBER AND TYPE OF RESTRAINTS USED.

19 (5) ANY PHYSICAL EFFECTS ON THE CHILD OR THE UNBORN BABY  
20 OF A CHILD RESULTING FROM PLACEMENT IN THE RESTRAINTS.

21 (C) STAFF PRESENCE DURING LABOR.--IF STAFF PRESENCE IS  
22 REQUIRED, STAFF SHALL ACCOMMODATE THE CHILD'S STATED PREFERENCE  
23 REGARDING THE GENDER OF THE STAFF TO BE PRESENT IN THE ROOM  
24 DURING THE EXAMINATION, LABOR OR DELIVERY OF THE PREGNANT CHILD,  
25 EXCEPT IN CASES OF EXIGENT CIRCUMSTANCES AS DETERMINED BY THE  
26 FACILITY DIRECTOR OR DESIGNEE.

27 (D) AVAILABILITY OF REPORTS.--THE NONIDENTIFYING DATA  
28 CONTAINED IN THE REPORTS SUBMITTED TO THE DEPARTMENT SHALL BE  
29 POSTED ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE  
30 ANNUALLY. NO IDENTIFYING INFORMATION, SUCH AS NAMES OR DATES OF

1 BIRTH, SHALL BE POSTED.

2 SECTION 2. SECTION 1104(A), (C), (D), (E) AND (F) OF TITLE  
3 61 ARE AMENDED TO READ:

4 § 1104. STATE RECORDING SYSTEM RELATING TO PREGNANT AND  
5 POSTPARTUM INCARCERATED INDIVIDUALS OR DETAINEES.

6 (A) GENERAL RULE.--A CORRECTIONAL INSTITUTION SHALL, IN  
7 WRITING, REPORT EACH RESTRAINT APPLIED TO A PREGNANT, LABORING  
8 OR POSTPARTUM INDIVIDUAL IN THE CORRECTIONAL INSTITUTION'S  
9 CUSTODY, AS WELL AS ANY INSTANCE WHERE A PREGNANT, LABORING OR  
10 POSTPARTUM INDIVIDUAL IS PLACED IN RESTRICTIVE HOUSING. THE  
11 REPORT SHALL NOTE THE NUMBER AND TYPE OF RESTRAINTS OR, IN THE  
12 CASE OF RESTRICTIVE HOUSING, THE LENGTH OF TIME THE INDIVIDUAL  
13 WAS PLACED IN RESTRICTIVE HOUSING. THE PROVISIONS OF THIS  
14 SUBSECTION SHALL APPLY TO ANY PERSON TASKED WITH TRANSPORTING OR  
15 HOUSING INCARCERATED INDIVIDUALS OR DETAINEES. REPORTS SHALL BE  
16 MADE AS FOLLOWS:

17 (1) A CORRECTIONAL INSTITUTION [THAT IS NOT OPERATED,  
18 SUPERVISED OR LICENSED BY THE DEPARTMENT OF HUMAN SERVICES  
19 PURSUANT TO THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN  
20 AS THE HUMAN SERVICES CODE,] SHALL MAKE THE REPORT TO THE  
21 SECRETARY.

22 (2) [A CORRECTIONAL INSTITUTION THAT IS OPERATED,  
23 SUPERVISED OR LICENSED BY THE DEPARTMENT OF HUMAN SERVICES  
24 PURSUANT TO THE HUMAN SERVICES CODE SHALL MAKE THE REPORT TO  
25 THE SECRETARY OF HUMAN SERVICES.] (RESERVED).

26 \* \* \*

27 (C) STAFF PRESENCE DURING LABOR.--OTHER THAN LICENSED  
28 MEDICAL PROFESSIONALS, ONLY FEMALE STAFF SHALL BE PRESENT IN THE  
29 ROOM DURING THE EXAMINATION, LABOR OR DELIVERY OF THE PREGNANT  
30 INCARCERATED INDIVIDUAL. IF MALE STAFF, OTHER THAN LICENSED

1 MEDICAL PROFESSIONALS, REMAIN PRESENT DURING THE EXAMINATION,  
2 LABOR OR DELIVERY OF THE PREGNANT INCARCERATED INDIVIDUAL, THAT  
3 INFORMATION AND THE REASONS FOR THE PRESENCE SHALL BE REPORTED  
4 TO THE DEPARTMENT [OR THE DEPARTMENT OF HUMAN SERVICES, AS  
5 APPLICABLE].

6 (D) AVAILABILITY OF REPORTS.--THE NONIDENTIFYING DATA  
7 CONTAINED IN THE WRITTEN REPORTS SUBMITTED TO THE DEPARTMENT [OR  
8 THE DEPARTMENT OF HUMAN SERVICES] SHALL BE POSTED ON THE  
9 DEPARTMENT'S [OR THE DEPARTMENT OF HUMAN SERVICES'] PUBLICLY  
10 ACCESSIBLE INTERNET WEBSITE ANNUALLY. NO IDENTIFYING  
11 INFORMATION, SUCH AS NAMES OR DATES OF BIRTH, SHALL BE POSTED.

12 (E) FAILURE TO SUBMIT REPORT.--IF A CORRECTIONAL INSTITUTION  
13 FAILS TO SUBMIT A REPORT UNDER THIS SECTION WITHIN 30 DAYS AFTER  
14 THE END OF THE FISCAL YEAR, THE DEPARTMENT [OR THE DEPARTMENT OF  
15 HUMAN SERVICES, AS APPLICABLE,] SHALL OBTAIN A CERTIFICATION, TO  
16 BE CREATED BY THE DEPARTMENT [OR THE DEPARTMENT OF HUMAN  
17 SERVICES, AS APPLICABLE,] FROM THE CORRECTIONAL INSTITUTION  
18 VERIFYING THAT THE CORRECTIONAL INSTITUTION HAD ZERO INSTANCES  
19 OF USE OF RESTRAINTS, PLACEMENT IN RESTRICTIVE HOUSING OR MALE  
20 STAFF PRESENCE, OTHER THAN LICENSED MEDICAL PROFESSIONALS,  
21 DURING MEDICAL EXAMINATIONS OR APPOINTMENTS OF PREGNANT  
22 INCARCERATED INDIVIDUALS UNDER THE PROVISIONS OF THIS SECTION.

23 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
24 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
25 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

26 "CORRECTIONAL INSTITUTION." AS DEFINED IN SECTION 5905(E)  
27 (RELATING TO HEALTHY BIRTH FOR INCARCERATED WOMEN).

28 "POSTPARTUM." THE EIGHT-WEEK PERIOD, OR LONGER AS DETERMINED  
29 BY THE HEALTH CARE PROFESSIONAL RESPONSIBLE FOR THE HEALTH AND  
30 SAFETY OF THE INCARCERATED INDIVIDUAL OR DETAINEE, FOLLOWING

1 CHILDBIRTH.

2 "RESTRAINTS." ANY PHYSICAL OR MECHANICAL DEVICE USED TO  
3 RESTRICT OR CONTROL THE MOVEMENT OF AN INCARCERATED INDIVIDUAL'S  
4 BODY, LIMBS OR BOTH.

5 "RESTRICTIVE HOUSING." PLACEMENT IN AN AREA OR GROUP OF  
6 CELLS DESIGNATED TO HOUSE INDIVIDUALS ASSIGNED TO DISCIPLINARY  
7 OR ADMINISTRATIVE CUSTODY IN WHICH OUT-OF-CELL TIME IS LIMITED  
8 TO LESS THAN TWO HOURS PER DAY.

9 "STAFF." AN INDIVIDUAL WHO IS EMPLOYED OR CONTRACTED BY A  
10 CORRECTIONAL INSTITUTION[, ] OR THE DEPARTMENT [OR THE DEPARTMENT  
11 OF HUMAN SERVICES].

12 SECTION 3. SECTION 1731(B) OF TITLE 61 IS AMENDED AND  
13 SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH TO READ:

14 § 1731. ESTABLISHMENT.

15 (A) GENERAL RULE.--

16 \* \* \*

17 (2.1) THE MEMBERS OF THE BOARD UNDER PARAGRAPH (2) MAY  
18 APPOINT NOT LESS THAN TWO AND NOT MORE THAN FOUR ADDITIONAL  
19 MEMBERS TO THE BOARD WHO MUST BE RESIDENTS OF THE COUNTY FOR  
20 WHICH THE BOARD IS ESTABLISHED.

21 \* \* \*

22 (B) COUNTIES THAT MAY ELECT TO BE SUBJECT TO SUBCHAPTER.--

23 ANY COUNTY OF THE SECOND CLASS A OR SIXTH, SEVENTH OR EIGHTH  
24 CLASS MAY ELECT BY RESOLUTION OF THE COUNTY COMMISSIONERS TO BE  
25 GOVERNED BY THE PROVISIONS OF THIS SUBCHAPTER.

26 \* \* \*

27 SECTION 4. SECTION 1758(B)(6) AND (7) OF TITLE 61 ARE  
28 AMENDED TO READ:

29 § 1758. COUNTY RECORDING SYSTEM FOR PREGNANT AND POSTPARTUM  
30 INCARCERATED INDIVIDUALS OR DETAINEES.

1 \* \* \*

2 (B) INFORMATION TO BE INCLUDED IN COUNTY EXTRAORDINARY  
3 OCCURRENCE MONTHLY REPORT.--

4 \* \* \*

5 (6) THE NONIDENTIFYING DATA CONTAINED IN THE WRITTEN  
6 REPORTS SUBMITTED TO THE DEPARTMENT [OR THE DEPARTMENT OF  
7 HUMAN SERVICES] SHALL BE POSTED ANNUALLY ON THE PUBLICLY  
8 ACCESSIBLE INTERNET WEBSITE OF THE DEPARTMENT [OR THE  
9 DEPARTMENT OF HUMAN SERVICES]. NO IDENTIFYING INFORMATION,  
10 SUCH AS NAMES OR DATES OF BIRTH, SHALL BE POSTED.

11 (7) IF A CORRECTIONAL INSTITUTION FAILS TO SUBMIT A  
12 REPORT UNDER THIS SECTION WITHIN 30 DAYS AFTER THE END OF THE  
13 FISCAL YEAR, THE DEPARTMENT [OR THE DEPARTMENT OF HUMAN  
14 SERVICES, AS APPLICABLE,] SHALL OBTAIN A CERTIFICATION, TO BE  
15 CREATED BY THE DEPARTMENT [OR THE DEPARTMENT OF HUMAN  
16 SERVICES, AS APPLICABLE,] FROM THE CORRECTIONAL INSTITUTION  
17 VERIFYING THAT THE INSTITUTION HAD ZERO INSTANCES OF USE OF  
18 RESTRAINTS, PLACEMENT IN RESTRICTIVE HOUSING OR MALE STAFF  
19 PRESENCE, OTHER THAN LICENSED MEDICAL PROFESSIONALS, DURING  
20 MEDICAL EXAMINATIONS OR APPOINTMENTS OF PREGNANT INCARCERATED  
21 INDIVIDUALS UNDER THE PROVISIONS OF THIS SECTION.

22 \* \* \*

23 SECTION 5. CHAPTER 57 OF TITLE 61 IS REPEALED:

24 [CHAPTER 57

25 DEPARTMENT OF HUMAN SERVICES FACILITIES

26 SEC.

27 5701. DEFINITIONS.

28 5702. SECLUSION PROHIBITED FOR PREGNANT OR POSTPARTUM CHILD.

29 5703. BODY CAVITY SEARCH AND INSPECTION RESTRICTIONS.

30 5704. TRAINING AND EDUCATION REQUIREMENT.



1 5705. (RESERVED) .

2 5706. MENSTRUAL HYGIENE AND INCONTINENCE PRODUCTS.

3 5707. POSTPARTUM RECOVERY.

4 5708. REPORTS RELATING TO PREGNANT OR POSTPARTUM CHILD.

5 § 5701. DEFINITIONS.

6 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
7 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
8 CONTEXT CLEARLY INDICATES OTHERWISE:

9 "BODY CAVITY SEARCH." AN INVASIVE SEARCH OF A CHILD  
10 CONDUCTED BY STAFF IN SEARCH OF CONTRABAND, EXCLUDING THE NOSE,  
11 EARS AND MOUTH.

12 "CHILD." AS FOLLOWS:

13 (1) AN INDIVIDUAL WHO RESIDES IN AN ENTITY LICENSED OR  
14 OPERATED BY THE DEPARTMENT AND MEETS ONE OF THE FOLLOWING  
15 CONDITIONS:

16 (I) IS UNDER 18 YEARS OF AGE.

17 (II) IS UNDER 21 YEARS OF AGE AND COMMITTED AN ACT  
18 OF DELINQUENCY BEFORE REACHING 18 YEARS OF AGE AND  
19 REMAINS UNDER THE JURISDICTION OF THE JUVENILE COURT.

20 (III) WAS ADJUDICATED DEPENDENT BEFORE REACHING 18  
21 YEARS OF AGE AND WHILE ENGAGED IN INSTRUCTION OR  
22 TREATMENT, REQUESTS THE COURT TO RETAIN JURISDICTION  
23 UNTIL THE INSTRUCTION OR TREATMENT IS COMPLETED, BUT A  
24 CHILD MAY NOT REMAIN IN A COURSE OF INSTRUCTION OR  
25 TREATMENT PAST 21 YEARS OF AGE.

26 (IV) HAS AN INTELLECTUAL DISABILITY, A MENTAL  
27 ILLNESS OR A SERIOUS EMOTIONAL DISTURBANCE, WITH A  
28 TRANSFER PLAN TO MOVE TO AN ADULT SETTING BY 21 YEARS OF  
29 AGE.

30 (2) THE TERM DOES NOT INCLUDE A CHILD IN FOSTER CARE AS

1 PROVIDED IN 42 U.S.C. CH. 7 SUBCH. IV (RELATING TO GRANTS TO  
2 STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN  
3 AND FOR CHILD-WELFARE SERVICES).

4 "DEPARTMENT." THE DEPARTMENT OF HUMAN SERVICES OF THE  
5 COMMONWEALTH.

6 "FACILITY." EXCEPT AS EXEMPTED BY REGULATION, A PREMISE OR  
7 PART OF A PREMISE SERVING CHILDREN WHO ARE ADJUDICATED EITHER  
8 DEPENDENT OR DELINQUENT AND MEETING ONE OF THE FOLLOWING  
9 CONDITIONS:

10 (1) OPERATED FOR A PORTION OF A 24-HOUR DAY IN WHICH  
11 ALTERNATIVE EDUCATION, INTERVENTION OR SUPPORT PROGRAMS ARE  
12 PROVIDED TO ONE OR MORE CHILDREN TO PREVENT A CHILD'S  
13 PLACEMENT IN A MORE RESTRICTIVE SETTING OR TO FACILITATE THE  
14 CHILD'S REUNIFICATION WITH THE CHILD'S FAMILY.

15 (2) OPERATED IN A 24-HOUR LIVING SETTING IN WHICH CARE  
16 IS PROVIDED FOR ONE OR MORE CHILDREN WHO ARE NOT RELATIVES OF  
17 THE FACILITY OPERATOR.

18 "HEALTH CARE PROFESSIONAL." AN INDIVIDUAL WHO IS LICENSED,  
19 CERTIFIED OR OTHERWISE AUTHORIZED OR PERMITTED BY THE LAWS OF  
20 THIS COMMONWEALTH TO ADMINISTER HEALTH CARE IN THE ORDINARY  
21 COURSE OF BUSINESS OR IN THE PRACTICE OF A PROFESSION.

22 "MENSTRUAL HYGIENE PRODUCTS." AS FOLLOWS:

23 (1) PRODUCTS RELATING TO BODILY FUNCTIONS THAT ARE USED  
24 DURING MENSTRUATION.

25 (2) THE TERM INCLUDES TAMPONS AND SANITARY PADS.

26 "POSTPARTUM." AN EIGHT-WEEK PERIOD OR A LONGER PERIOD AS  
27 DETERMINED BY THE HEALTH CARE PROFESSIONAL RESPONSIBLE FOR THE  
28 HEALTH AND SAFETY OF THE CHILD FOLLOWING CHILDBIRTH.

29 "RESTRAINTS." ANY PHYSICAL OR MECHANICAL DEVICE USED TO  
30 RESTRICT OR CONTROL THE MOVEMENT OF A CHILD'S BODY OR LIMBS OR

1 BOTH.

2 "SECLUSION." AS FOLLOWS:

3 (1) THE REMOVAL OF A RESIDENT FROM THE RESIDENT'S  
4 IMMEDIATE ENVIRONMENT AND RESTRICTING THE RESIDENT ALONE IN A  
5 ROOM OR AREA.

6 (2) THE TERM DOES NOT INCLUDE AN OCCASION WHEN:

7 (I) AN EMPLOYEE OF A FACILITY REMAINS IN THE  
8 SECLUSION AREA WITH THE RESIDENT.

9 (II) A RESIDENT IS VOLUNTARILY RESTRICTED TO AN AREA  
10 OR ROOM.

11 (III) ALL RESIDENTS ARE REQUIRED TO BE IN THEIR  
12 ROOMS OR ANOTHER ROOM OR AREA AS PART OF THE PROGRAM  
13 SCHEDULE.

14 "STAFF." AN INDIVIDUAL WHO IS EMPLOYED BY A FACILITY.

15 "STATE OF UNDRRESS." A STATE WHERE A CHILD IS PARTIALLY OR  
16 FULLY NAKED, EITHER IN THE SHOWER, TOILET AREAS, A MEDICAL  
17 EXAMINATION ROOM OR WHILE A BODY CAVITY SEARCH IS BEING  
18 CONDUCTED.

19 "SUBSTANTIAL RISK OF IMMINENT FLIGHT." A SHOWING OF REAL AND  
20 CONSIDERABLE RISK OF ESCAPING BY A CHILD FROM A FACILITY.

21 "TRAUMA-INFORMED CARE." A STRENGTHS-BASED APPROACH TO  
22 SERVICE DELIVERY AND ORGANIZATIONAL STRUCTURE THAT:

23 (1) REALIZES THE WIDESPREAD IMPACT OF TRAUMA, INCLUDING  
24 HISTORICAL TRAUMA.

25 (2) UNDERSTANDS POTENTIAL PATHS TO RECOVERY.

26 (3) RECOGNIZES THE SIGNS AND SYMPTOMS OF TRAUMA IN A  
27 CHILD, PARENT, LEGAL GUARDIAN, STAFF OR ANOTHER INVOLVED IN  
28 THE SYSTEM.

29 (4) RESPONDS BY FULLY INTEGRATING KNOWLEDGE ABOUT TRAUMA  
30 INTO POLICIES, PROCEDURES, PRACTICES AND RELATIONSHIPS.

1 (5) SEEKS TO ACTIVELY PREVENT RETRAUMATIZATION.

2 § 5702. SECLUSION PROHIBITED FOR PREGNANT OR POSTPARTUM CHILD.

3 (A) GENERAL RULE.--EXCEPT AS PROVIDED UNDER SUBSECTION (C),  
4 A PREGNANT OR POSTPARTUM CHILD MAY NOT BE INVOLUNTARILY PLACED  
5 IN SECLUSION IN ANY FACILITY IN THIS COMMONWEALTH.

6 (B) ALTERNATIVE DISCIPLINE.--FORMS OF DISCIPLINE FOR A  
7 PREGNANT OR POSTPARTUM CHILD SHALL BE LIMITED TO SANCTIONS,  
8 INCLUDING RESTRICTIONS ON TELEPHONE USAGE OR VISITATION OR OTHER  
9 COMMON FORMS OF ALTERNATIVE DISCIPLINE USED IN THE UNITED  
10 STATES.

11 (C) EXCEPTIONS.--A PREGNANT OR POSTPARTUM CHILD MAY BE  
12 PLACED IN SECLUSION ONLY AS A TEMPORARY RESPONSE TO BEHAVIOR  
13 THAT POSES A SERIOUS AND IMMEDIATE RISK OF PHYSICAL HARM TO THE  
14 PREGNANT OR POSTPARTUM CHILD, ANOTHER CHILD, THE UNBORN CHILD OF  
15 THE PREGNANT CHILD OR STAFF. THE FOLLOWING APPLY:

16 (1) THE DECISION TO PLACE A PREGNANT OR POSTPARTUM CHILD  
17 IN SECLUSION UNDER THIS SUBSECTION MUST BE APPROVED BY THE  
18 INDIVIDUAL IN CHARGE OF THE FACILITY.

19 (2) THE RATIONALE FOR THE DECISION TO USE SECLUSION MUST  
20 BE DOCUMENTED AS REQUIRED BY SECTION 5708 (RELATING TO  
21 REPORTS RELATING TO PREGNANT OR POSTPARTUM CHILD).

22 (3) NO PERIOD OF SECLUSION IN EXCESS OF SEVEN DAYS MAY  
23 BE APPROVED.

24 (D) BED ASSIGNMENTS.--THE FACILITY MAY NOT ASSIGN A PREGNANT  
25 CHILD TO ANY BED THAT IS ELEVATED MORE THAN THREE FEET FROM THE  
26 FLOOR OF THE FACILITY.

27 § 5703. BODY CAVITY SEARCH AND INSPECTION RESTRICTIONS.

28 (A) BODY CAVITY SEARCH AND INSPECTION RESTRICTIONS.--TO THE  
29 GREATEST EXTENT POSSIBLE:

30 (1) ONLY A HEALTH CARE PROFESSIONAL SHALL CONDUCT AN

1 INVASIVE BODY CAVITY SEARCH OF A PREGNANT CHILD.

2 (2) IF A SEARCH IS REQUIRED, STAFF SHALL ACCOMMODATE THE  
3 CHILD'S STATED PREFERENCE REGARDING THE GENDER OF THE STAFF  
4 TO BE PRESENT IN THE ROOM DURING THE SEARCH EXCEPT IN CASES  
5 OF EXIGENT CIRCUMSTANCES AS DETERMINED BY THE FACILITY  
6 DIRECTOR OR DESIGNEE.

7 (B) DOCUMENTATION REQUIREMENT.--IF A HEALTH CARE  
8 PROFESSIONAL IS REQUIRED TO PERFORM AN INVASIVE BODY CAVITY  
9 SEARCH ON A PREGNANT CHILD, OR THE CHILD'S STATED PREFERENCE  
10 REGARDING THE GENDER OF THE STAFF PRESENT IN THE ROOM DURING A  
11 SEARCH WHILE THE CHILD IS IN A STATE OF UNDRESS IS NOT MET,  
12 STAFF SHALL SUBMIT A WRITTEN REPORT TO THE INDIVIDUAL IN CHARGE  
13 OF THE FACILITY WITHIN 72 HOURS FOLLOWING THE BODY CAVITY SEARCH  
14 OR INSPECTION. THE REPORT UNDER THIS SUBSECTION SHALL:

15 (1) INCLUDE THE JUSTIFICATION FOR PERFORMING THE BODY  
16 CAVITY SEARCH OR FAILING TO HONOR THE CHILD'S STATED  
17 PREFERENCE REGARDING THE GENDER OF THE STAFF PERFORMING THE  
18 INSPECTION.

19 (2) NOTE IF ANY CONTRABAND WAS FOUND ON THE CHILD.

20 (3) BE SENT TO THE DEPARTMENT.

21 § 5704. TRAINING AND EDUCATION REQUIREMENT.

22 (A) FACILITY STAFF TRAINING.--THE FACILITY SHALL PROVIDE OR  
23 ARRANGE A TRAINING PROGRAM FOR STAFF WHO HAVE CONTACT WITH A  
24 PREGNANT, LABORING OR POSTPARTUM CHILD. THE TRAINING PROGRAM  
25 SHALL BE RELATED TO THE PHYSICAL AND MENTAL HEALTH OF THE  
26 PREGNANT OR POSTPARTUM CHILD AND UNBORN BABY, INCLUDING:

27 (1) THE GENERAL CARE OF A PREGNANT CHILD.

28 (2) THE IMPACT OF RESTRAINTS ON A PREGNANT CHILD AND  
29 UNBORN BABY.

30 (3) THE IMPACT OF BEING PLACED IN SECLUSION ON A

1 PREGNANT CHILD.

2 (4) THE IMPACT OF INVASIVE SEARCHES ON A PREGNANT CHILD.

3 (5) ANY OTHER PERTINENT INFORMATION THE DEPARTMENT FINDS  
4 APPROPRIATE OR NECESSARY.

5 (B) FACILITY STAFF TRAINING EXCEPTIONS.--IF THE FACILITY  
6 PROHIBITS THE PLACEMENT OF A PREGNANT CHILD AS A MATTER OF  
7 POLICY, THE FACILITY MAY SUBMIT A WRITTEN EXEMPTION REPORTING  
8 THAT THERE IS NO RISK OF STAFF INTERACTING WITH A PREGNANT CHILD  
9 HOUSED IN THE FACILITY. THE FOLLOWING APPLY:

10 (1) THE EXEMPTION UNDER THIS SUBSECTION SHALL APPLY ONLY  
11 TO THE FACILITY, NOT THE INDIVIDUAL STAFF OF THE FACILITY.

12 (2) ALL FACILITY STAFF THAT COME IN CONTACT WITH A  
13 PREGNANT CHILD SHALL COMPLETE THE TRAINING UNDER THIS  
14 SECTION.

15 (3) IF FACILITY STAFF WORK AT MORE THAN ONE INSTITUTION,  
16 THE STAFF MUST RECEIVE THE REQUIRED TRAINING AT THE NONEXEMPT  
17 FACILITY.

18 (C) EDUCATION PROGRAMMING FOR A PREGNANT CHILD.--THE  
19 FACILITY SHALL DEVELOP AND PROVIDE EDUCATIONAL PROGRAMMING FOR A  
20 PREGNANT OR POSTPARTUM CHILD. THE EDUCATIONAL PROGRAMMING SHALL  
21 BE RELATED TO:

22 (1) MEDICAL SCREENINGS RELATED TO REPRODUCTIVE AND  
23 OVERALL HEALTH, INCLUDING PREVENTIVE SCREENINGS.

24 (2) PRENATAL CARE.

25 (3) PREGNANCY-SPECIFIC HYGIENE.

26 (4) THE IMPACT OF ALCOHOL AND DRUGS ON THE UNBORN BABY.

27 (5) GENERAL HEALTH OF THE UNBORN BABY.

28 (6) ANY OTHER PERTINENT INFORMATION THE DEPARTMENT FINDS  
29 APPROPRIATE OR NECESSARY.

30 (D) TRAUMA-INFORMED CARE.--

1 (1) THE INDIVIDUAL IN CHARGE OF A FACILITY SHALL, AS  
2 NECESSARY, ENSURE THAT THE FACILITY PROVIDES QUALITY TRAUMA-  
3 INFORMED CARE TO A CHILD.

4 (2) TRAUMA-INFORMED CARE FOR A CHILD SHALL BEGIN  
5 IMMEDIATELY UPON THE CHILD'S INTAKE AND ASSESSMENT AT A  
6 FACILITY.

7 (3) FACILITY STAFF SHALL HAVE NO FEWER THAN FOUR HOURS  
8 OF PROFESSIONAL TRAINING RELATED TO TRAUMA-INFORMED CARE,  
9 WHICH SHALL INCLUDE THE FOLLOWING:

10 (I) TRAINING TO IDENTIFY A CHILD WITH TRAUMA.

11 (II) TRAINING ON HOW AND WHEN TO REFER A CHILD TO  
12 THE PROPER HEALTH CARE PROFESSIONALS, INCLUDING  
13 PREVENTIVE HEALTH CARE AND MENTAL HEALTH CARE.

14 (III) TRAINING ON HOW TO INTERACT WITH AND EMPOWER A  
15 CHILD WHO HAS EXPERIENCED TRAUMA.

16 § 5705. (RESERVED).

17 § 5706. MENSTRUAL HYGIENE AND INCONTINENCE PRODUCTS.

18 (A) ISSUANCE OF MENSTRUAL HYGIENE PRODUCTS.--

19 (1) A FACILITY SHALL SUPPLY MENSTRUAL HYGIENE PRODUCTS  
20 EACH MONTH TO A CHILD WHO IS MENSTRUATING AT NO COST TO THE  
21 CHILD REGARDLESS OF FINANCIAL MEANS.

22 (2) A CHILD MAY NOT BE REQUIRED TO SHOW PROOF OF NEED OR  
23 TO UNDERGO A MEDICAL EXAMINATION OR OBTAIN A MEDICAL PERMIT,  
24 AUTHORIZATION OR DIAGNOSIS TO RECEIVE THE PRODUCTS UNDER  
25 SUBSECTIONS (B) AND (C).

26 (B) MENSTRUAL HYGIENE PRODUCTS PROVIDED.--A CHOICE OF AT  
27 LEAST TWO SIZES OR ABSORBENCIES OF SANITARY PADS AND TAMPONS  
28 SHALL BE AVAILABLE TO A CHILD WHO IS MENSTRUATING IN A FACILITY  
29 OR IF REQUESTED FROM MEDICAL STAFF.

30 (C) ISSUANCE OF HYGIENE PRODUCTS RELATED TO BLADDER CONTROL

1 AND INCONTINENCE.--A SUPPLY OF PRODUCTS FOR BLADDER CONTROL AND  
2 INCONTINENCE, INCLUDING ADULT DIAPERS AND PROTECTIVE  
3 UNDERGARMENTS, SHALL BE PROVIDED TO A CHILD, INCLUDING A  
4 POSTPARTUM CHILD, WHO REQUIRES THE PRODUCTS EACH MONTH AT NO  
5 COST TO THE CHILD, REGARDLESS OF FINANCIAL MEANS.

6 § 5707. POSTPARTUM RECOVERY.

7 (A) RESTRAINTS DURING POSTPARTUM RECOVERY.--NO RESTRAINTS  
8 SHALL BE USED ON ANY CHILD WHO HAS GIVEN BIRTH WITHIN THE LAST  
9 30 DAYS AND IS IN POSTPARTUM RECOVERY, UNLESS THE DEPARTMENT  
10 HAS A REASONABLE BELIEF THAT THE CHILD WILL HARM THE CHILD, THE  
11 CHILD'S NEWBORN OR ANOTHER INDIVIDUAL OR POSE A SUBSTANTIAL RISK  
12 OF IMMINENT FLIGHT. IF RESTRAINTS ARE USED, THE STAFF ORDERING  
13 THE USE OF RESTRAINTS ON A CHILD WHILE IN POSTPARTUM RECOVERY  
14 SHALL SUBMIT A WRITTEN REPORT TO THE INDIVIDUAL IN CHARGE OF THE  
15 FACILITY WITHIN 72 HOURS FOLLOWING THE USE OF THE RESTRAINTS,  
16 CONTAINING THE JUSTIFICATION FOR RESTRAINING THE CHILD DURING  
17 POSTPARTUM RECOVERY. THE REPORT SHALL ALSO BE SENT TO THE  
18 DEPARTMENT.

19 (B) POSTDELIVERY BONDING PERIOD.--SUBJECT TO HOSPITAL  
20 POLICY, FOLLOWING THE DELIVERY OF A NEWBORN, THE DEPARTMENT  
21 SHALL PERMIT THE NEWBORN TO REMAIN WITH THE CHILD AT THE  
22 HOSPITAL FOR 72 HOURS UNLESS A HEALTH CARE PROFESSIONAL HAS A  
23 REASONABLE BELIEF THAT THE NEWBORN REMAINING WITH THE CHILD  
24 POSES A HEALTH OR SAFETY RISK TO THE NEWBORN.

25 (C) NUTRITIONAL AND HYGIENE PRODUCTS.--DURING THE 72-HOUR  
26 PERIOD UNDER SUBSECTION (B), THE DEPARTMENT SHALL MAKE AVAILABLE  
27 THE NECESSARY NUTRITIONAL AND HYGIENE PRODUCTS TO CARE FOR THE  
28 NEWBORN.

29 § 5708. REPORTS RELATING TO PREGNANT OR POSTPARTUM CHILD.

30 (A) REQUIREMENT.--A FACILITY SHALL, IN WRITING, REPORT TO



1 THE DEPARTMENT ON EACH RESTRAINT APPLIED TO A PREGNANT, LABORING  
2 OR POSTPARTUM CHILD IN THE FACILITY'S CUSTODY. THE FOLLOWING  
3 APPLY:

4 (1) THE REPORT SHALL NOTE THE NUMBER AND TYPE OF  
5 RESTRAINTS.

6 (2) THE PROVISIONS OF THIS SUBSECTION SHALL APPLY TO ANY  
7 PERSON TASKED WITH TRANSPORTING OR HOUSING A PREGNANT OR  
8 POSTPARTUM CHILD.

9 (B) CONTENTS OF REPORT.--REPORTS OF EACH RESTRAINT OR  
10 PLACEMENT OF A CHILD AS REQUIRED UNDER SUBSECTION (A) MUST  
11 INCLUDE THE FOLLOWING:

12 (1) THE CIRCUMSTANCES THAT LED TO THE DETERMINATION THAT  
13 THE CHILD REPRESENTED A SUBSTANTIAL RISK OF IMMINENT FLIGHT.

14 (2) THE CIRCUMSTANCES THAT LED TO THE DETERMINATION THAT  
15 OTHER EXTRAORDINARY MEDICAL OR SECURITY CIRCUMSTANCES  
16 DICTATED THAT THE CHILD BE RESTRAINED TO ENSURE THE SAFETY  
17 AND SECURITY OF THE CHILD, THE STAFF OF THE FACILITY OR  
18 MEDICAL FACILITY, ANOTHER CHILD OR THE PUBLIC.

19 (3) THE DATE AND TIME RESTRAINTS WERE APPLIED AND THE  
20 LENGTH OF TIME THE CHILD WAS KEPT IN RESTRAINTS.

21 (4) THE NUMBER AND TYPE OF RESTRAINTS USED.

22 (5) ANY PHYSICAL EFFECTS ON THE CHILD OR THE UNBORN BABY  
23 OF A CHILD RESULTING FROM PLACEMENT IN THE RESTRAINTS.

24 (C) STAFF PRESENCE DURING LABOR.--IF STAFF PRESENCE IS  
25 REQUIRED, STAFF SHALL ACCOMMODATE THE CHILD'S STATED PREFERENCE  
26 REGARDING THE GENDER OF THE STAFF TO BE PRESENT IN THE ROOM  
27 DURING THE EXAMINATION, LABOR OR DELIVERY OF THE PREGNANT CHILD,  
28 EXCEPT IN CASES OF EXIGENT CIRCUMSTANCES AS DETERMINED BY THE  
29 FACILITY DIRECTOR OR DESIGNEE.

30 (D) AVAILABILITY OF REPORTS.--THE NONIDENTIFYING DATA

1 CONTAINED IN THE REPORTS SUBMITTED TO THE DEPARTMENT SHALL BE  
2 POSTED ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE  
3 ANNUALLY. NO IDENTIFYING INFORMATION, SUCH AS NAMES OR DATES OF  
4 BIRTH, SHALL BE POSTED.]

5 SECTION 6. SECTIONS 5905(E), 5908(B)(3) AND (C), 5909(A)  
6 INTRODUCTORY PARAGRAPH AND (5), (C) INTRODUCTORY PARAGRAPH AND  
7 (6) AND (D)(3) INTRODUCTORY PARAGRAPH AND 5911(A) AND (B) OF  
8 TITLE 61 ARE AMENDED TO READ:

9 § 5905. HEALTHY BIRTH FOR INCARCERATED WOMEN.

10 \* \* \*

11 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
12 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
13 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

14 "CORRECTIONAL INSTITUTION." ANY ENTITY UNDER THE AUTHORITY  
15 OF THE STATE OR ANY COUNTY OR MUNICIPALITY THAT HAS THE POWER TO  
16 DETAIN AND RESTRAIN A PERSON UNDER THE LAWS OF THIS  
17 COMMONWEALTH. THE TERM DOES NOT INCLUDE AN ENTITY OPERATED,  
18 SUPERVISED OR LICENSED BY THE DEPARTMENT OF HUMAN SERVICES UNDER  
19 THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE HUMAN  
20 SERVICES CODE.

21 "DETAINEE." INCLUDES ANY PERSON DETAINED UNDER THE  
22 IMMIGRATION LAWS OF THE UNITED STATES AT ANY CORRECTIONAL  
23 FACILITY.

24 "INCARCERATED INDIVIDUAL." AN INDIVIDUAL INCARCERATED OR  
25 DETAINED IN A CORRECTIONAL INSTITUTION WHO IS ACCUSED OF,  
26 CONVICTED OF[, ] OR SENTENCED FOR [OR ADJUDICATED DELINQUENT FOR] <--  
27 VIOLATIONS OF CRIMINAL LAW OR THE TERMS AND CONDITIONS OF  
28 PAROLE, PROBATION~~+~~, ~~+~~OR PRETRIAL RELEASE ~~+~~OR A DIVERSIONARY <--  
29 PROGRAM~~+~~. <--

30 "RESTRAINT." ANY PHYSICAL HOLD OR MECHANICAL DEVICE USED TO

1 CONTROL THE MOVEMENT OF AN INCARCERATED INDIVIDUAL'S OR  
2 DETAINEE'S BODY OR LIMBS OR BOTH.

3 § 5908. CAVITY SEARCH AND INSPECTION RESTRICTIONS.

4 \* \* \*

5 (B) DOCUMENTATION REQUIREMENT.--IF STAFF IS REQUIRED TO  
6 PERFORM AN INVASIVE BODY CAVITY SEARCH ON A PREGNANT OR  
7 POSTPARTUM INCARCERATED INDIVIDUAL OR DETAINEE, OR MALE STAFF,  
8 OTHER THAN MEDICALLY LICENSED PROFESSIONAL MALE STAFF, IS  
9 REQUIRED TO CONDUCT A SEARCH ON A FEMALE INCARCERATED INDIVIDUAL  
10 OR DETAINEE IN A STATE OF UNDRESS, A WRITTEN REPORT SHALL BE  
11 SUBMITTED TO THE CORRECTIONAL INSTITUTION WITHIN 72 HOURS  
12 FOLLOWING THE CAVITY SEARCH OR INSPECTION. THE REPORT UNDER THIS  
13 SUBSECTION SHALL:

14 \* \* \*

15 (3) BE SENT TO THE DEPARTMENT [OR THE DEPARTMENT OF  
16 HUMAN SERVICES, AS APPLICABLE].

17 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
18 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
19 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

20 "BODY CAVITY SEARCH." AN INVASIVE SEARCH OF INCARCERATED  
21 INDIVIDUALS OR DETAINEES, CONDUCTED BY STAFF IN SEARCH OF  
22 CONTRABAND, EXCLUDING THE NOSE, EARS AND MOUTH.

23 "STAFF." AN INDIVIDUAL, INCLUDING CONTRACTED STAFF, WHO IS  
24 EMPLOYED BY A CORRECTIONAL INSTITUTION, THE DEPARTMENT [OR THE  
25 DEPARTMENT OF HUMAN SERVICES], EXCLUDING ANY LICENSED MEDICAL  
26 PROFESSIONAL.

27 "STATE OF UNDRESS." A STATE WHERE AN INCARCERATED OR  
28 DETAINED FEMALE IS PARTIALLY OR FULLY NAKED, EITHER IN THE  
29 SHOWER, TOILET AREAS, A MEDICAL EXAMINATION ROOM OR WHILE A BODY  
30 CAVITY SEARCH IS BEING CONDUCTED.

1 § 5909. TRAINING AND EDUCATION REQUIREMENT.

2 (A) CORRECTIONAL INSTITUTION STAFF TRAINING.--THE  
3 [DEPARTMENT AND] DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT  
4 OF HUMAN SERVICES AND THE DEPARTMENT OF HEALTH, SHALL [JOINTLY]  
5 DEVELOP AND PROVIDE CORRECTIONAL INSTITUTIONS WITH A TRAINING  
6 PROGRAM FOR STAFF WHO HAVE CONTACT WITH A PREGNANT, LABORING OR  
7 POSTPARTUM INCARCERATED INDIVIDUAL OR DETAINEE. THE TRAINING  
8 PROGRAM SHALL BE RELATED TO THE PHYSICAL AND MENTAL HEALTH OF  
9 THE PREGNANT OR POSTPARTUM INCARCERATED INDIVIDUAL OR DETAINEE  
10 AND UNBORN CHILD, INCLUDING:

11 \* \* \*

12 (5) ANY OTHER PERTINENT INFORMATION THE DEPARTMENT [OR  
13 THE DEPARTMENT OF HUMAN SERVICES] FINDS APPROPRIATE OR  
14 NECESSARY.

15 \* \* \*

16 (C) EDUCATION PROGRAMMING FOR PREGNANT INCARCERATED  
17 INDIVIDUALS.--THE [DEPARTMENT AND] DEPARTMENT, IN CONSULTATION  
18 WITH THE DEPARTMENT OF HUMAN SERVICES, AND THE DEPARTMENT OF <--  
19 HEALTH, SHALL [JOINTLY] DEVELOP AND PROVIDE CORRECTIONAL  
20 INSTITUTIONS AND COUNTY CORRECTIONAL INSTITUTIONS WITH  
21 EDUCATIONAL PROGRAMMING FOR PREGNANT OR POSTPARTUM INCARCERATED  
22 INDIVIDUALS OR DETAINEES. THE EDUCATIONAL PROGRAMMING SHALL BE  
23 RELATED TO:

24 \* \* \*

25 (6) ANY OTHER PERTINENT INFORMATION THE DEPARTMENT [OR  
26 THE DEPARTMENT OF HUMAN SERVICES] FINDS APPROPRIATE OR  
27 NECESSARY.

28 (D) TRAUMA-INFORMED CARE.--

29 \* \* \*

30 (3) [CORRECTIONAL] BEGINNING AFTER DECEMBER 31, 2025,

1        CORRECTIONAL STAFF SHALL RECEIVE PROFESSIONAL TRAINING,  
2        APPROVED BY THE DEPARTMENT, IN CONSULTATION WITH THE  
3        DEPARTMENT OF HUMAN SERVICES, RELATING TO TRAUMA-INFORMED  
4        CARE, WHICH SHALL INCLUDE THE FOLLOWING:

5                                \* \* \*

6        § 5911.    POSTPARTUM RECOVERY.

7            (A)    RESTRAINTS DURING POSTPARTUM RECOVERY.--NO RESTRAINTS  
8        SHALL BE USED ON ANY INCARCERATED INDIVIDUAL OR DETAINEE WHO HAS  
9        GIVEN BIRTH WITHIN THE LAST 30 DAYS AND IS IN POSTPARTUM  
10       RECOVERY, UNLESS THE DEPARTMENT [OR THE DEPARTMENT OF HUMAN  
11       SERVICES, AS APPLICABLE,] HAS A REASONABLE BELIEF THAT THE  
12       INCARCERATED INDIVIDUAL OR DETAINEE WILL HARM THEMSELVES, THEIR  
13       NEWBORN OR ANOTHER INDIVIDUAL OR POSE A SUBSTANTIAL RISK OF  
14       IMMINENT FLIGHT. IF RESTRAINTS ARE USED, THE FACILITY EMPLOYEE  
15       ORDERING THE USE OF RESTRAINTS ON AN INCARCERATED INDIVIDUAL OR  
16       DETAINEE WHILE IN POSTPARTUM RECOVERY SHALL SUBMIT A WRITTEN  
17       REPORT TO THE CHIEF ADMINISTRATOR OF THE FACILITY WITHIN 72  
18       HOURS FOLLOWING THE USE OF THE RESTRAINTS, CONTAINING THE  
19       JUSTIFICATION FOR RESTRAINING THE INCARCERATED INDIVIDUAL OR  
20       DETAINEE DURING POSTPARTUM RECOVERY. THE REPORT SHALL ALSO BE  
21       SENT TO THE DEPARTMENT [OR THE DEPARTMENT OF HUMAN SERVICES, AS  
22       APPLICABLE].

23           (B)    POSTDELIVERY BONDING PERIOD.--FOLLOWING THE DELIVERY OF  
24        A NEWBORN AND SUBJECT TO HOSPITAL POLICIES, INCLUDING LENGTH OF  
25        STAY, THE DEPARTMENT [OR THE DEPARTMENT OF HUMAN SERVICES] SHALL  
26        PERMIT THE CHILD TO REMAIN WITH THE MOTHER AT THE HOSPITAL FOR  
27        UP TO 72 HOURS UNLESS THERE IS A REASONABLE BELIEF THAT THE  
28        CHILD REMAINING WITH THE MOTHER PRESENTS A HEALTH OR SAFETY RISK  
29        TO THE CHILD.

30                                \* \* \*

1 SECTION 7. EXCEPT AS PROVIDED IN PARAGRAPH (2): <--

2 (1) THE ADDITION OF 42 PA.C.S. CH. 63 SUBCH. G IS A  
3 CONTINUATION OF 61 PA.C.S. CH. 57. EXCEPT AS PROVIDED IN 42  
4 PA.C.S. CH. 63 SUBCH. G, ALL ACTIVITIES INITIATED UNDER 61  
5 PA.C.S. CH. 57 SHALL CONTINUE AND REMAIN IN FULL FORCE AND  
6 EFFECT AND MAY BE COMPLETED UNDER 42 PA.C.S. CH. 63 SUBCH. G.  
7 ORDERS, REGULATIONS, RULES AND DECISIONS WHICH WERE MADE  
8 UNDER 61 PA.C.S. CH. 57 AND WHICH ARE IN EFFECT ON THE  
9 EFFECTIVE DATE OF THIS SECTION SHALL REMAIN IN FULL FORCE AND  
10 EFFECT UNTIL REVOKED, VACATED OR MODIFIED UNDER 42 PA.C.S.  
11 CH. 63 SUBCH. G. CONTRACTS, OBLIGATIONS AND COLLECTIVE  
12 BARGAINING AGREEMENTS ENTERED INTO UNDER 61 PA.C.S. CH. 57  
13 ARE NOT AFFECTED NOR IMPAIRED BY THE REPEAL OF 61 PA.C.S. CH.  
14 57.

15 (2) PARAGRAPH (1) DOES NOT APPLY TO THE FOLLOWING:

16 (I) THE DEFINITIONS OF "CHILD," "DEPARTMENT,"  
17 "EXCLUSION" AND "SECLUSION" IN 42 PA.C.S. § 6381.

18 (II) 42 PA.C.S. § 6382.

19 (III) 42 PA.C.S. § 6384(A)(5).

20 SECTION 7 8. WITH THE EXCEPTION OF THE AMENDMENT OR ADDITION <--  
21 OF 61 PA.C.S. § 1731(A)(2.1) AND (B), THIS ACT SHALL APPLY  
22 RETROACTIVELY TO JUNE 11, 2024.

23 SECTION 8 9. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <--

24 (1) THE AMENDMENT OR ADDITION OF 61 PA.C.S. § 1731(A)  
25 (2.1) AND (B) SHALL TAKE EFFECT IN 60 DAYS.

26 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
27 IMMEDIATELY.