Pregnant and Postpartum Inmate Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill addresses issues related to inmates who are pregnant or in postpartum recovery.

Highlighted Provisions:

This bill:

- ▸ requires the Department of Corrections (the department) and each county jail to report to the State Commission on Criminal and Juvenile Justice:
  - the number of known pregnant inmates in custody; and
  - the number of Ĥ→ **female** ←Ĥ inmates in custody who are parents to a minor child;
- ▸ clarifies that the postpartum recovery period for pregnant inmates is 12 weeks after the day on which the inmate gives birth;
- ▸ prohibits the restraining of an inmate during postpartum recovery unless an individualized determination of certain security risks is made that details why the restraints are necessary;
- ▸ increases the period of time that the department and each county jail is required to provide access to a social worker to an inmate who is pregnant, or who has recently given birth, from six weeks to 12 weeks, to help the inmate:
  - arrange childcare;
  - establish a reunification plan; and
  - establish a substance abuse treatment plan, if needed;
- ▸ clarifies that the department and each county jail is required to provide an inmate in postpartum recovery access to postpartum care for 12 weeks after the inmate gives birth;
- ▸ clarifies that health care providers in general may make certain decisions regarding pregnant inmates; and
- ▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

H.B. 122

None

Utah Code Sections Affected:

AMENDS:

17-72-408, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-72-501, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-72-503, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

64-13-1, as last amended by Laws of Utah 2023, Chapters 177, 322 and 414

64-13-7, as last amended by Laws of Utah 2024, Chapter 341

64-13-45, as last amended by Laws of Utah 2024, Chapters 245, 341

64-13-46, as last amended by Laws of Utah 2025, Chapter 397

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-72-408** is amended to read:

17-72-408 . County jail reporting requirements.

(1) Each county jail shall submit a report to the commission before June 15 of each year that includes, for the preceding calendar year:

(a) the average daily prisoner population each month;

(b) the number of prisoners in the county jail on the last day of each month who identify as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity published by the United States Federal Bureau of Investigation;

(c) the number of prisoners booked into the county jail;

(d) the number of prisoners held in the county jail each month on behalf of each of the following entities:

(i) the Bureau of Indian Affairs;

(ii) a state prison;

(iii) a federal prison;

(iv) the United States Immigration and Customs Enforcement; and

(v) any other entity with which a county jail has entered a contract to house inmates on the entity's behalf;

(e) the number of prisoners that are denied pretrial release and held in the custody of the county jail while the prisoner awaited final disposition of the prisoner's criminal

charges;

(f) for each prisoner booked into the county jail:

(i) the name of the agency that arrested the prisoner;

(ii) the date and time the prisoner was booked into and released from the custody of the county jail;

(iii) if the prisoner was released from the custody of the county jail, the reason the inmate was released from the custody of the county jail;

(iv) if the prisoner was released from the custody of the county jail on a financial condition, whether the financial condition was set by a county sheriff or a court;

(v) the number of days the prisoner was held in the custody of the county jail before disposition of the prisoner's criminal charges;

(vi) whether the prisoner was released from the custody of the county jail before final disposition of the prisoner's criminal charges; and

(vii) the prisoner's state identification number;

(g) the number of in-custody deaths that occurred at the county jail;

(h) for each in-custody death:

(i) the deceased's name, gender, race, ethnicity, age, and known or suspected medical diagnosis or disability, if any;

(ii) the date, time, and location of death;

(iii) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and

(iv) a brief description of the circumstances surrounding the death;

(i) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(g);

(j) the county jail's policy for notifying an inmate's next of kin after the prisoner's in-custody death;

(k) the county jail policies, procedures, and protocols:

(i) for treatment of a prisoner experiencing withdrawal from alcohol or substance use, including use of opiates;

(ii) that relate to the county jail's provision, or lack of provision, of medications used to treat, mitigate, or address a prisoner's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone; and

(iii) that relate to screening, assessment, and treatment of a prisoner for a substance use or mental health disorder, including the policies, procedures, and protocols

that implement the requirements described in Section 17-72-501;

(l)(i) the number of prisoners whose screening described in Section 17-72-501 indicated the presence of a substance use disorder; and

(ii) of the prisoners whose screening indicated the presence of a substance use disorder, the number of prisoners who received medication under a medication assisted treatment plan;[~~and~~]

(m) the number of female prisoners that the county jail knows were pregnant while incarcerated in the county jail;

(n) the number of prisoners who gave birth and were restrained in accordance with Section 64-13-46, including:

(i) the types of restraints used; and

(ii) whether the use of restraints was to prevent escape or to ensure the safety of the prisoner, medical or corrections staff, or the public;

(o) the number of Ĥ→ **female** ←Ĥ prisoners incarcerated in the county jail who are the parent of a minor

child as that term is defined in Section 81-1-101; and

[~~(m)~~] (p) any report the county jail provides or is required to provide under federal law or regulation relating to prisoner deaths.

(2)(a) Subsection (1) does not apply to a county jail if the county jail:

(i) collects and stores the data described in Subsection (1); and

(ii) enters into a memorandum of understanding with the commission that allows the commission to access the data described in Subsection (1).

(b) The memorandum of understanding described in Subsection (2)(a)(ii) shall include a provision to protect any information related to an ongoing investigation and comply with all applicable federal and state laws.

(c) If the commission accesses data from a county jail in accordance with Subsection (2)(a), the commission may not release a report prepared from that data, unless:

(i) the commission provides the report for review to:

(A) the county jail; and

(B) any arresting agency that is named in the report; and

(ii)(A) the county jail approves the report for release;

(B) the county jail reviews the report and prepares a response to the report to be published with the report; or

(C) the county jail fails to provide a response to the report within four weeks after

the day on which the commission provides the report to the county jail.

(3) The commission shall:

(a) compile the information from the reports described in Subsection (1);

(b) omit or redact any identifying information of an inmate in the compilation to the extent omission or redaction is necessary to comply with state and federal law;

(c) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee and the Utah Substance Use and Mental Health Advisory Committee before November 1 of each year; and

(d) submit the compilation to the protection and advocacy agency designated by the governor before November 1 of each year.

(4) The commission may not provide access to or use a county jail's policies, procedures, or protocols submitted under this section in a manner or for a purpose not described in this section.

(5) Upon request, a county jail shall make a report, including only the names and causes of death of deceased inmates and the facility in which the deceased inmates were being held in custody, available to the public.

Section 2. Section **17-72-501** is amended to read:

17-72-501 . Disclosure of prisoner medical clearance -- Care and health care of prisoners -- Funding of services -- Private contractor.

(1)(a) A health care provider, as defined in Section 78B-3-403, who provides health care to an individual before the individual is booked into a county jail by a competent authority, is authorized to disclose to the competent authority whether the individual is medically cleared for incarceration.

(b) The disclosure under Subsection (1)(a) shall be made in writing if requested by the competent authority.

(2) Except as provided in Subsection (8), a sheriff shall:

(a) receive each prisoner committed to jail by competent authority;

(b) provide each prisoner with necessary food, clothing, and bedding in the manner prescribed by the county legislative body;

(c) subject to Subsection (7), provide each prisoner health care when:

(i) the prisoner's symptoms evidence a serious disease or injury;

(ii) the prisoner's disease or injury is curable or may be substantially alleviated; and

(iii) the potential for harm to the prisoner by reason of delay or the denial of health care would be substantial;

(d) provide each prisoner, as part of the intake process, with the option of continuing any of the following medically prescribed methods of contraception:

(i) an oral contraceptive;

(ii) an injectable contraceptive;

(iii) a patch;

(iv) a vaginal ring; or

(v) an intrauterine device, if the prisoner was prescribed the intrauterine device because the prisoner experiences serious and persistent adverse effects when using the methods of contraception described in Subsections (2)(d)(i) and (ii);

(e)(i) within 30 days after a prisoner is committed to jail, use an evidence-based screening tool to screen each inmate for substance use disorders; and

(ii) use the results of the screening to assist with providing programming and treatment options for the prisoner;

(f) cooperate with health care personnel to continue a medication assisted treatment plan for a prisoner if the prisoner was an active client before arrest and commitment; and

(g) ensure that each female prisoner younger than 50 years old who has been incarcerated for longer than 72 hours on a state or local criminal offense is offered, which the prisoner may reject, a test for pregnancy.

(3) A sheriff may provide the generic form of a contraceptive described in Subsection (2)(d)(i) or (ii).

(4) A sheriff shall follow the provisions of Section 64-13-46 if a prisoner is pregnant or in postpartum recovery, as that term is defined in Section 64-13-46, including the reporting requirements described in Subsections 17-22-32(2)(m) and (n).

(5)(a) Except as provided in Section 17-72-506 and Subsection (5)(b), the expense incurred in providing the services required by this section to prisoners shall be paid from the county treasury.

(b) The expense incurred in providing the services described in Subsection (2)(d) to prisoners shall be paid by the Department of Health and Human Services.

(6) A medication used for a medication assisted treatment plan under Subsection (2)(f):

(a) shall be administered to a prisoner in accordance with the prisoner's prescription under the direction of the sheriff;

(b) may be paid for by a county; and

(c) may be left or stored at a jail at the discretion of the sheriff.

(7)(a) A sheriff may not initiate any of the following procedures or treatments for a

prisoner:

(i) a cross-sex hormone treatment;

(ii) a primary sex characteristic surgical procedure; or

(iii) a secondary sex characteristic surgical procedure.

(b) Subject to Subsection (7)(a) and Section 17-72-503, a sheriff may provide psychotherapy, mental health care, or any other necessary and appropriate treatment to treat a prisoner's gender dysphoria and any co-occuring mental health disorder.

(8) If the county executive contracts with a private contractor to provide the services required by this section, the sheriff shall provide only those services required of the sheriff by the contract between the county and the private contractor.

Section 3. Section **17-72-503** is amended to read:

17-72-503 . Sheriff's classification of prisoners -- Classification criteria -- Alternative incarceration programs -- Limitation.

(1) As used in this section, "living area" means the same as that term is defined in Section 64-13-7.

(2)(a) Except as provided in Subsections (5) and (6), the sheriff shall adopt and implement written policies:

(i) for admission of prisoners to the county jail; and

(ii) for the classification of prisoners that provide for the separation of prisoners by gender and by other factors as may reasonably provide for the safety and well-being of prisoners and the community.

(b) To the extent authorized by law, any written admission policies adopted and implemented under this Subsection (2) shall be applied equally to all entities using the county correctional facilities.

(3) Except as provided in Subsections (5) and (6), each county sheriff shall assign prisoners to a facility or section of a facility based on classification criteria that the sheriff develops and maintains.

(4)(a) Except as provided in Subsection (6), a county sheriff may develop and implement alternative incarceration programs that may involve housing a prisoner in a jail facility.

(b) A prisoner housed under an alternative incarceration program under Subsection (4)(a) shall be considered to be in the full custody and control of the sheriff for purposes of Sections 76-8-309 and 76-8-309.3.

(c) A prisoner may not be placed in an alternative incarceration program under

Subsection (4)(a) unless:

(i) the county jail is at maximum operating capacity, as established under Section 17-72-402; or

(ii) ordered by the court.

(5) A jail facility shall comply with the same requirements as the Department of Corrections described in Subsections 64-13-7(4), (5), and (6) when assigning a prisoner to a living area, including the reporting requirements in Subsections [~~64-13-45(2)(d) and (e).~~] 64-13-45(2)(f) and (g).

(6) This section does not authorize a sheriff to modify provisions of a contract with the Department of Corrections to house state inmates in a county jail.

Section 4. Section **64-13-1** is amended to read:

64-13-1 . Definitions.

As used in this chapter:

(1) "Behavioral health transition facility" means a nonsecure correctional facility operated by the department for the purpose of providing a therapeutic environment for offenders receiving mental health services.

(2) "Case action plan" means a document developed by the Department of Corrections that identifies:

(a) the program priorities for the treatment of the offender, including the criminal risk factors as determined by risk, needs, and responsivity assessments conducted by the department; and

(b) clearly defined completion requirements.

(3) "Community correctional center" means a nonsecure correctional facility operated by the department, but does not include a behavioral health transition facility for the purposes of Section 64-13f-103.

(4) "Correctional facility" means any facility operated to house offenders in a secure or nonsecure setting:

(a) by the department; or

(b) under a contract with the department.

(5) "Criminal risk factors" means an individual's characteristics and behaviors that:

(a) affect the individual's risk of engaging in criminal behavior; and

(b) are diminished when addressed by effective treatment, supervision, and other support resources, resulting in a reduced risk of criminal behavior.

(6) "Department" means the Department of Corrections.

(7) "Direct supervision" means a housing and supervision system that is designed to meet the goals described in Subsection 64-13-14(5) and has the elements described in Subsection 64-13-14(6).

(8) "Emergency" means any riot, disturbance, homicide, inmate violence occurring in any correctional facility, or any situation that presents immediate danger to the safety, security, and control of the department.

(9) "Evidence-based" means a program or practice that has had multiple randomized control studies or a meta-analysis demonstrating that the program or practice is effective for a specific population or has been rated as effective by a standardized program evaluation tool.

(10) "Evidence-informed" means a program or practice that is based on research and the experience and expertise of the department.

(11) "Executive director" means the executive director of the Department of Corrections.

(12) "Inmate" means an individual who is:

(a) committed to the custody of the department; and

(b) housed at a correctional facility or at a county jail at the request of the department.

(13) "Minor child" means the same as that term is defined in Section 81-1-101.

[~~(13)~~] (14) "Offender" means an individual who has been convicted of a crime for which the individual may be committed to the custody of the department and is at least one of the following:

(a) committed to the custody of the department;

(b) on probation; or

(c) on parole.

[~~(14)~~] (15) "Recidivism" means a return to criminal activity after a previous criminal conviction.

[~~(15)~~] (16) "Restitution" means the same as that term is defined in Section 77-38b-102.

[~~(16)~~] (17) "Risk and needs assessment" means an actuarial tool validated on criminal offenders that determines:

(a) an individual's risk of reoffending; and

(b) the criminal risk factors that, when addressed, reduce the individual's risk of reoffending.

[~~(17)~~] (18) "Secure correctional facility" means any prison, penitentiary, or other institution operated by the department or under contract for the confinement of offenders, where force may be used to restrain an offender if the offender attempts to leave the institution

without authorization.

[~~(18)~~] (19) "Serious illness" means, as determined by the inmate's physician, an illness that substantially impairs the inmate's quality of life.

[~~(19)~~] (20) "Serious injury" means, as determined by the inmate's physician, bodily injury that involves a substantial risk of death, prolonged unconsciousness, prolonged and obvious disfigurement, or prolonged loss or impairment of the function of a bodily member, organ, or mental faculty.

[~~(20)~~] (21) "State-issued driver license" means a driver license issued in accordance with Title 53, Chapter 3, Part 2, Driver Licensing Act, or an equivalent issued by another state.

[~~(21)~~] (22) "State-issued identification card" means an identification card issued in accordance with Title 53, Chapter 3, Part 8, Identification Card Act, or an equivalent issued by another state.

Section 5. Section **64-13-7** is amended to read:

64-13-7 . Individuals in custody.

(1) As used in this section:

(a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.

(b) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

(c) "Criminogenic factor" means a personal trait, condition, outside influence, or societal factor that tends to increase an inmate's likelihood of committing a criminal offense.

(d)(i) "Living area" means a location within a correctional facility where an inmate is assigned to sleep, recreate, study, or interact with other inmates.

(ii) "Living area" does not include a location within a correctional facility where an inmate is temporarily placed by staff of the correctional facility to facilitate transfers, visitation, medical care, or other needs of the correctional facility or inmate.

(e) "Transgender inmate" means an inmate whose gender identity or expression does not correspond with the inmate's biological sex at birth.

(2) An offender committed for incarceration in a state correctional facility or for supervision on probation or parole, shall be placed in the custody of the department.

(3) The department shall establish procedures and is responsible for the appropriate assignment or transfer of an offender to a facility or program.

(4) Subject to Subsection (5), the department or a county jail may not:

(a) assign an inmate whose biological sex at birth is male to a living area where an

inmate whose biological sex at birth is female is assigned; or

(b) assign an inmate whose biological sex at birth is female to a living area where an inmate whose biological sex at birth is male is assigned.

(5)(a) Upon a request from a transgender inmate to be assigned to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth, or if the department or a county jail seeks to assign a transgender inmate to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth, the department or a county jail shall undertake an individualized security analysis considering criminogenic and other factors including:

(i) the transgender inmate's anatomy which may be verified through a conversation with the transgender inmate, reviewing the transgender inmate's medical records, routine protocols applicable to all inmates, or as part of a broader medical examination of the transgender inmate conducted in private by a medical professional if necessary;

(ii) the physical characteristics of the transgender inmate;

(iii) the transgender inmate's criminal history, including whether the transgender inmate has displayed predatory behavior against individuals whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth;

(iv) the history of the transgender inmate's behavior while in the department's or a county jail's custody;

(v) the likelihood of the transgender inmate causing physical or psychological harm to, or committing offenses against, inmates in the requested living area whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth;

(vi) the safety of correctional facility staff if the transgender inmate were to be assigned to the requested living area;

(vii) an analysis of whether the transgender inmate has a history or pattern of:

(A) anti-social attitudes or behaviors;

(B) interacting with peers who display anti-social attitudes or behaviors;

(C) negative family issues or influence;

(D) a lack of achievement in education and employment;

(E) not participating in pro-social leisure activities; or

(F) substance abuse;

(viii) whether the requested living area assignment would:

(A) ensure the transgender inmate's health and safety; and

(B) assist the transgender inmate in successfully reentering the community; and

(ix) any other factor determined to be relevant by the executive director or a county sheriff.

(b) The department or a county jail may assign a transgender inmate to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth only if:

(i) the department or a county jail determines, after undertaking the individualized security analysis described in Subsection (5)(a), that the assignment presents a low risk of causing:

(A) any physical or psychological harm to an inmate who resides in or will reside in the living area, the correctional facility staff that manage the living area, or the transgender inmate;

(B) disruption to correctional facility management; and

(C) overall security issues; and

(ii) there is no evidence that the transgender inmate is claiming a gender identity or expression that does not correspond with the inmate's biological sex at birth solely for the purpose of altering the inmate's living area assignment.

(6) If the department or a county jail, after complying with Subsection (5), assigns a transgender inmate to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth, the department or a county jail shall:

(a)(i) undertake the security analysis described in Subsection (5)(a) after a security incident involving the transgender inmate and at regular intervals determined by the executive director or a county sheriff to ensure that the assignment continues to meet the conditions described in Subsection (5)(b); and

(ii) if the analysis conducted in Subsection (6)(a) demonstrates that the assignment no longer meets the conditions described in Subsection (5)(b), assign the transgender inmate to a living area with inmates whose biological sex at birth corresponds with the transgender inmate's biological sex at birth; and

(b) comply with the reporting requirements described in Subsections [~~64-13-45(2)(d) and (e)~~] 64-13-45(2)(f) and (g).

Section 6. Section **64-13-45** is amended to read:

64-13-45 . Department reporting requirements.

(1) As used in this section:

(a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.

(b)(i) "In-custody death" means an inmate death that occurs while the inmate is in the custody of the department.

(ii) "In-custody death" includes an inmate death that occurs while the inmate is:

(A) being transported for medical care; or

(B) receiving medical care outside of a correctional facility, other than a county jail.

(c) "Inmate" means an individual who is processed or booked into custody or housed in the department or a correctional facility other than a county jail.

(d) "Opiate" means the same as that term is defined in Section 58-37-2.

(e) "Transgender inmate" means the same as that term is defined in Section 64-13-7.

(2) The department shall submit a report to the Commission on Criminal and Juvenile Justice created in Section 63M-7-201 before June 15 of each year that includes:

(a) the number of in-custody deaths that occurred during the preceding calendar year, including:

(i) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(a); and

(ii) the department's policy for notifying an inmate's next of kin after the inmate's in-custody death;

(b) the department policies, procedures, and protocols:

(i) for treatment of an inmate experiencing withdrawal from alcohol or substance use, including use of opiates;

(ii) that relate to the department's provision, or lack of provision, of medications used to treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone; and

(iii) that relate to screening, assessment, and treatment of an inmate for a substance use disorder or mental health disorder;

(c) the number of female inmates that the department knows who are pregnant and currently incarcerated in a correctional facility operated by the department;

[~~(c)~~] (d) the number of inmates who gave birth and were restrained in accordance with Section 64-13-46, including:

(i) the types of restraints used; and

(ii) whether the use of restraints was to prevent escape or to ensure the safety of the inmate, medical or corrections staff, or the public;

(e) the number of inmates incarcerated in a correctional facility operated by the department who are the parent of a minor child;

[~~(d)~~] (f) the number of transgender inmates that are assigned to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth in accordance with Section 64-13-7, including:

(i) the results of the individualized security analysis conducted for each transgender inmate in accordance with Subsection 64-13-7(5)(a); and

(ii) a detailed explanation regarding how the security conditions described in Subsection 64-13-7(5)(b) are met for each transgender inmate;

[~~(e)~~] (g) the number of transgender inmates that were:

(i) assigned to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth; and

(ii) removed and assigned to a living area with inmates whose biological sex at birth corresponds with the transgender inmate's biological sex at birth in accordance with Subsection 64-13-7(6); and

[~~(f)~~] (h) any report the department provides or is required to provide under federal law or regulation relating to inmate deaths.

(3) The State Commission on Criminal and Juvenile Justice shall:

(a) compile the information from the reports described in Subsection (2);

(b) omit or redact any identifying information of an inmate in the compilation to the extent omission or redaction is necessary to comply with state and federal law[-]; and

(c) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee and the Utah Substance Use and Mental Health Advisory Committee before November 1 of each year.

(4) The State Commission on Criminal and Juvenile Justice may not provide access to or use the department's policies, procedures, or protocols submitted under this section in a manner or for a purpose not described in this section.

Section 7. Section **64-13-46** is amended to read:

64-13-46 . Pregnant inmates.

(1) As used in this section:

(a) "Postpartum recovery" means[~~, as determined by the pregnant inmate's physician, the period immediately following delivery, including the entire period the inmate is in~~

~~the hospital or health care facility after birth~~] the period of 12 weeks after the day on which a pregnant inmate gives birth.

(b) "Restraints" means any physical restraint or mechanical device used to control the movement of an inmate's body or limbs, including flex cuffs, soft restraints, shackles, or a convex shield.

(c)(i) "Shackles" means metal restraints, including leg irons, belly chains, or a security or tether chain.

(ii) "Shackles" does not include hard metal handcuffs.

(2) The department shall ensure that each female inmate younger than 50 years old is offered, which the inmate may reject, a test for pregnancy upon admission, or within a reasonable time after admission, to a correctional facility.

(3) Subject to Subsections (4) and (5), if the staff of a correctional facility knows or has reason to believe that an inmate is pregnant or is in postpartum recovery, the staff shall, when restraining the inmate at any time or location, use the least restrictive restraints necessary to ensure the safety and security of the inmate and others.

(4) A correctional staff member may not use restraints on an inmate during the third trimester of pregnancy, labor, [~~or~~]childbirth, or postpartum recovery unless a correctional staff member makes an individualized determination that there are compelling grounds to believe that the inmate presents:

(a) an immediate and serious risk of harm to the inmate, the inmate's infant, medical staff, correctional staff, or the public; or

(b) a substantial risk of escape that cannot reasonably be reduced by the use of other existing means.

(5) Notwithstanding Subsection (4), under no circumstances may shackles, leg restraints, or waist restraints be used on an inmate during the third trimester of pregnancy, labor, childbirth, or postpartum recovery.

(6) Correctional staff present during labor or childbirth shall:

(a) be stationed in a location that offers the maximum privacy to the inmate, while taking into consideration safety and security concerns; and

(b) be female, if practicable.

(7) If a correctional staff member authorizes restraints under Subsection (3) or (4), the correctional staff member shall make a written record of the authorization and use of the restraints that includes:

(a) an explanation of the grounds for the correctional staff member's authorization on the

use of restraints;

(b) the type of restraints that were used; and

(c) the length of time the restraints were used.

(8) The record described in Subsection (7):

(a) shall be retained by the correctional facility for five years;

(b) shall be available for public inspection with individually identifying information redacted; and

(c) may not be considered a medical record under state or federal law.

(9) For a minimum of 48 hours after an inmate has given birth, a correctional facility shall, if directed by the inmate's [~~physician~~] health care provider, allow the infant to remain with the inmate at the health care facility.

(10) A correctional facility shall provide:

(a) an inmate who is pregnant, or who has given birth within the past [~~six~~] 12 weeks, access to a social worker to help the inmate:

(i) arrange childcare;

(ii) establish a reunification plan; and

(iii) establish a substance abuse treatment plan, if needed; and

(b) an inmate in postpartum recovery access to postpartum care [~~for up to 12 weeks as determined by the inmate's physician~~] during the entire period of postpartum recovery.

(11) The department may not create or operate a nursery in a correctional facility to provide space for a female inmate and the inmate's child.

Section 8. **Effective Date.**

This bill takes effect on May 6, 2026.