

90 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
 91 Committee and the Utah Substance Use and Mental Health Advisory Council before November
 92 1 of each year.

93 Section 3. Section ~~64-13-46~~ is enacted to read:

94 **64-13-46. Pregnant inmates.**

95 (1) If the staff of a correctional facility knows or has reason to believe that an inmate is
 96 pregnant, the staff, when restraining the inmate, shall use the least restrictive restraints
 97 necessary to ensure the safety and security of the inmate and others. This requirement shall
 98 continue during postpartum recovery and any transport to or from a correctional facility.

99 (2) The staff of a correctional facility may not use restraints on an inmate during labor
 100 and childbirth unless a correctional staff member makes an individualized determination that
 101 there are compelling grounds to believe that the inmate presents:

102 (a) an immediate and serious risk of harm to herself, medical staff, correctional staff, or
 103 the public; or

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

106 (3) Notwithstanding Subsection (1) or (2), under no circumstances may shackles
 106a ~~H→~~, leg restraints, ~~←H~~ or
 107 waist restraints be used on an inmate during labor and childbirth, ~~H→~~ or ~~←H~~ postpartum recovery
 107a while in
 108 a medical facility ~~H→~~ [~~, or transport to or from a medical facility for childbirth~~] ~~←H~~ .

109 (4) Correctional staff present during labor or childbirth shall:

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

112 (b) be female, if practicable.

113 (5) If restraints are authorized under Subsection (1) or (2), a written record of the
 114 decision and use of the restraints shall be made that includes:

115 (a) the correctional staff member's determination on the use of restraints;

116 (b) the circumstances that necessitated the use of restraints;

117 (c) the type of restraints that were used; and

118 (d) the length of time the restraints were used.

119 (6) The record created in Subsection (5):

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

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

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

123a **Ĥ→ (7) As used in this section:**

123b (a) "Postpartum recovery" means, as determined by her physician, the period
123c immediately following delivery, including the entire period a woman is in the hospital or
123d medical facility after birth.

123e (b) "Restraints" means any physical restraint or mechanical device used to control the
123f movement of an inmate's body or limbs, including flex cuffs, soft restraints, shackles, or a
123g convex shield.

123h (c) "Shackles" means metal or iron restraints and includes hard metal handcuffs, leg
123i irons, belly chains, or a security or tether chain. ←Ĥ