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BILL NO.: House Bill 44  
TITLE: Correctional Services – Pregnant Incarcerated Individuals – Substance Abuse  
Assessment and Treatment  
COMMITTEE: Judiciary  
DATE: February 28, 2023  
POSITION: **SUPPORT**

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House Bill 44 seeks to require each local correctional facility in the Department of Public Safety and Correctional Services to follow the clinical guidance of the American College of Nurse Midwives or the American College of Obstetricians and Gynecologists when providing care to pregnant incarcerated individuals, and to ensure that there is a continuity of care, in particular as it relates to substance abuse treatment, for pregnant incarcerated individuals.

The Women's Law Center of Maryland supports this legislation as we believe all women are entitled to quality healthcare and medical treatment, regardless of their status within the justice system. The Supreme Court has ruled that access to healthcare while incarcerated is a fundamental right<sup>1</sup>. Reproductive health care needs do not cease upon entering prison. And drug and substance abuse treatment is all the more necessary at this stage of health. Approximately 6-10% of women are already pregnant when they enter a prison or jail<sup>2</sup>. Many of these mothers have high-risk pregnancies due to the economic and social problems that led them to be incarcerated: poverty, lack of education, inadequate health care, and substance abuse. Reproductive healthcare is an essential human right for any woman, yet the services they receive are varied and inconsistent.

Currently, there is no care coordination provided between public safety institutions and community-based providers. This legislation will ensure that there is a clear referral system in place between those providers and creates a pathway that can lead to improved maternal health outcomes. The transition time between release and accessing reproductive health care represents a high-risk period for these individuals and this legislation would be a marked improvement in preventing and addressing that risk.

For the above reasons, the Women's Law Center of Maryland urges a favorable report for HB 44.

*The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.*

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<sup>1</sup> *Estelle v. Gamble*, 429 US 97 (1976).

<sup>2</sup> Reproductive Health Care for Incarcerated Women and Adolescent Females, THE AM. COLL. OF OBSTETRICIANS AND GYNECOLOGISTS (Aug. 2012), <http://www.acog.org/resources-and-publications/committee-opinions/committee-on-health-care-for-underserved-women/reproductive-health-care-for-incarcerated-women-and-adolescent-females>.