

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

SENATOR BAKER, JUDICIARY, IN SENATE, AS AMENDED, OCTOBER 1, 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, THE  
15 FACILITY SHALL PROVIDE OR ARRANGE A TRAINING PROGRAM FOR STAFF  
16 WHO HAVE CONTACT WITH A PREGNANT, LABORING OR POSTPARTUM CHILD.  
17 THE TRAINING PROGRAM SHALL BE RELATED TO THE PHYSICAL AND MENTAL  
18 HEALTH OF THE PREGNANT OR POSTPARTUM CHILD AND UNBORN BABY,  
19 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 ON A  
24 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, THE FACILITY SHALL PROVIDE OR ARRANGE  
13 EDUCATIONAL PROGRAMMING FOR A PREGNANT OR POSTPARTUM CHILD. THE  
14 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 QUALITY TRAUMA-  
26 INFORMED APPROACH TO A CHILD.

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

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



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

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

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

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

10 § 6385. MENSTRUAL HYGIENE AND INCONTINENCE PRODUCTS.

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

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

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

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

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

29 § 6386. RESTRAINTS, LABOR AND POSTPARTUM RECOVERY.

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

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

24           (1) AT NO TIME SHALL THE CHILD BE LEFT UNATTENDED BY  
25 FACILITY STAFF WITH THE ABILITY TO RELEASE THE RESTRAINT  
26 SHOULD A RELEASE BECOME MEDICALLY NECESSARY.

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

30           (3) LEG OR WAIST RESTRAINTS SHALL NOT BE USED ON ANY

1 CHILD WHO IS IN LABOR.

2 (C) LEAST RESTRICTIVE RESTRAINT.--WHEN A RESTRAINT IS  
3 PERMITTED UNDER THIS SECTION, A FACILITY SHALL USE THE LEAST  
4 RESTRICTIVE RESTRAINT NECESSARY.

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

11 (E) NUTRITIONAL AND HYGIENE PRODUCTS.--DURING THE 72-HOUR  
12 PERIOD UNDER SUBSECTION (D), THE DEPARTMENT SHALL MAKE AVAILABLE  
13 THE NECESSARY NUTRITIONAL AND HYGIENE PRODUCTS TO CARE FOR THE  
14 NEWBORN.

15 § 6387. REPORTS RELATING TO PREGNANT OR POSTPARTUM CHILD.

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

20 (1) THE REPORT SHALL NOTE THE NUMBER AND TYPE OF  
21 RESTRAINTS.

22 (2) THE PROVISIONS OF THIS SUBSECTION SHALL APPLY TO ANY  
23 PERSON TASKED WITH TRANSPORTING OR HOUSING A PREGNANT OR  
24 POSTPARTUM CHILD. IN THE CASE OF ANY USE OF RESTRAINTS ON A  
25 PREGNANT, LABORING OR POSTPARTUM CHILD BY AN INDIVIDUAL OR  
26 ENTITY THAT IS NOT EMPLOYED BY THE FACILITY BUT IS  
27 TRANSPORTING THE CHILD ON BEHALF OF THE FACILITY, THE  
28 INDIVIDUAL OR ENTITY SHALL REPORT THE RESTRAINT TO THE  
29 FACILITY IN A REASONABLE AMOUNT OF TIME AFTER THE INCIDENT  
30 OCCURS.

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

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

6 (2) THE CIRCUMSTANCES THAT LED TO THE DETERMINATION THAT  
7 OTHER EXTRAORDINARY MEDICAL OR SECURITY CIRCUMSTANCES  
8 DICTATED THAT THE CHILD BE RESTRAINED TO ENSURE THE SAFETY  
9 AND SECURITY OF THE CHILD, THE STAFF OF THE FACILITY OR  
10 MEDICAL FACILITY, ANOTHER CHILD OR THE PUBLIC.

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

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

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

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

22 (D) AVAILABILITY OF REPORTS.--THE NONIDENTIFYING DATA  
23 CONTAINED IN THE REPORTS SUBMITTED TO THE DEPARTMENT SHALL BE  
24 POSTED ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE  
25 ANNUALLY. NO IDENTIFYING INFORMATION, SUCH AS NAMES OR DATES OF  
26 BIRTH, SHALL BE POSTED.

27 SECTION 2. SECTION 1104(A), (C), (D), (E) AND (F) OF TITLE  
28 61 ARE AMENDED TO READ:

29 § 1104. STATE RECORDING SYSTEM RELATING TO PREGNANT AND  
30 POSTPARTUM INCARCERATED INDIVIDUALS OR DETAINEES.

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

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

17 (2) [A CORRECTIONAL INSTITUTION THAT IS OPERATED,  
18 SUPERVISED OR LICENSED BY THE DEPARTMENT OF HUMAN SERVICES  
19 PURSUANT TO THE HUMAN SERVICES CODE SHALL MAKE THE REPORT TO  
20 THE SECRETARY OF HUMAN SERVICES.] (RESERVED).

21 \* \* \*

22 (C) STAFF PRESENCE DURING LABOR.--OTHER THAN LICENSED  
23 MEDICAL PROFESSIONALS, ONLY FEMALE STAFF SHALL BE PRESENT IN THE  
24 ROOM DURING THE EXAMINATION, LABOR OR DELIVERY OF THE PREGNANT  
25 INCARCERATED INDIVIDUAL. IF MALE STAFF, OTHER THAN LICENSED  
26 MEDICAL PROFESSIONALS, REMAIN PRESENT DURING THE EXAMINATION,  
27 LABOR OR DELIVERY OF THE PREGNANT INCARCERATED INDIVIDUAL, THAT  
28 INFORMATION AND THE REASONS FOR THE PRESENCE SHALL BE REPORTED  
29 TO THE DEPARTMENT [OR THE DEPARTMENT OF HUMAN SERVICES, AS  
30 APPLICABLE].

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

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

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

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

23 "POSTPARTUM." THE EIGHT-WEEK PERIOD, OR LONGER AS DETERMINED  
24 BY THE HEALTH CARE PROFESSIONAL RESPONSIBLE FOR THE HEALTH AND  
25 SAFETY OF THE INCARCERATED INDIVIDUAL OR DETAINEE, FOLLOWING  
26 CHILDBIRTH.

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

30 "RESTRICTIVE HOUSING." PLACEMENT IN AN AREA OR GROUP OF

1 CELLS DESIGNATED TO HOUSE INDIVIDUALS ASSIGNED TO DISCIPLINARY  
2 OR ADMINISTRATIVE CUSTODY IN WHICH OUT-OF-CELL TIME IS LIMITED  
3 TO LESS THAN TWO HOURS PER DAY.

4 "STAFF." AN INDIVIDUAL WHO IS EMPLOYED OR CONTRACTED BY A  
5 CORRECTIONAL INSTITUTION[, ] OR THE DEPARTMENT [~~OR THE DEPARTMENT~~  
6 ~~OF HUMAN SERVICES~~].

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

9 § 1731. ESTABLISHMENT.

10 (A) GENERAL RULE.--

11 \* \* \*

12 (2.1) THE MEMBERS OF THE BOARD UNDER PARAGRAPH (2) MAY  
13 APPOINT NOT LESS THAN TWO AND NOT MORE THAN FOUR ADDITIONAL  
14 MEMBERS TO THE BOARD WHO MUST BE RESIDENTS OF THE COUNTY FOR  
15 WHICH THE BOARD IS ESTABLISHED.

16 \* \* \*

17 (B) COUNTIES THAT MAY ELECT TO BE SUBJECT TO SUBCHAPTER.--  
18 ANY COUNTY OF THE SECOND CLASS A OR SIXTH, SEVENTH OR EIGHTH  
19 CLASS MAY ELECT BY RESOLUTION OF THE COUNTY COMMISSIONERS TO BE  
20 GOVERNED BY THE PROVISIONS OF THIS SUBCHAPTER.

21 \* \* \*

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

24 § 1758. COUNTY RECORDING SYSTEM FOR PREGNANT AND POSTPARTUM  
25 INCARCERATED INDIVIDUALS OR DETAINEES.

26 \* \* \*

27 (B) INFORMATION TO BE INCLUDED IN COUNTY EXTRAORDINARY  
28 OCCURRENCE MONTHLY REPORT.--

29 \* \* \*

30 (6) THE NONIDENTIFYING DATA CONTAINED IN THE WRITTEN

1 REPORTS SUBMITTED TO THE DEPARTMENT [OR THE DEPARTMENT OF  
2 HUMAN SERVICES] SHALL BE POSTED ANNUALLY ON THE PUBLICLY  
3 ACCESSIBLE INTERNET WEBSITE OF THE DEPARTMENT [OR THE  
4 DEPARTMENT OF HUMAN SERVICES]. NO IDENTIFYING INFORMATION,  
5 SUCH AS NAMES OR DATES OF BIRTH, SHALL BE POSTED.

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

17 \* \* \*

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

19 [CHAPTER 57

20 DEPARTMENT OF HUMAN SERVICES FACILITIES

21 SEC.

22 5701. DEFINITIONS.

23 5702. SECLUSION PROHIBITED FOR PREGNANT OR POSTPARTUM CHILD.

24 5703. BODY CAVITY SEARCH AND INSPECTION RESTRICTIONS.

25 5704. TRAINING AND EDUCATION REQUIREMENT.

26 5705. (RESERVED).

27 5706. MENSTRUAL HYGIENE AND INCONTINENCE PRODUCTS.

28 5707. POSTPARTUM RECOVERY.

29 5708. REPORTS RELATING TO PREGNANT OR POSTPARTUM CHILD.

30 § 5701. DEFINITIONS.



1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
2 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
3 CONTEXT CLEARLY INDICATES OTHERWISE:

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

7 "CHILD." AS FOLLOWS:

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

11 (I) IS UNDER 18 YEARS OF AGE.

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

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

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

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

29 "DEPARTMENT." THE DEPARTMENT OF HUMAN SERVICES OF THE  
30 COMMONWEALTH.

1 "FACILITY." EXCEPT AS EXEMPTED BY REGULATION, A PREMISE OR  
2 PART OF A PREMISE SERVING CHILDREN WHO ARE ADJUDICATED EITHER  
3 DEPENDENT OR DELINQUENT AND MEETING ONE OF THE FOLLOWING  
4 CONDITIONS:

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

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

13 "HEALTH CARE PROFESSIONAL." AN INDIVIDUAL WHO IS LICENSED,  
14 CERTIFIED OR OTHERWISE AUTHORIZED OR PERMITTED BY THE LAWS OF  
15 THIS COMMONWEALTH TO ADMINISTER HEALTH CARE IN THE ORDINARY  
16 COURSE OF BUSINESS OR IN THE PRACTICE OF A PROFESSION.

17 "MENSTRUAL HYGIENE PRODUCTS." AS FOLLOWS:

18 (1) PRODUCTS RELATING TO BODILY FUNCTIONS THAT ARE USED  
19 DURING MENSTRUATION.

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

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

24 "RESTRAINTS." ANY PHYSICAL OR MECHANICAL DEVICE USED TO  
25 RESTRICT OR CONTROL THE MOVEMENT OF A CHILD'S BODY OR LIMBS OR  
26 BOTH.

27 "SECLUSION." AS FOLLOWS:

28 (1) THE REMOVAL OF A RESIDENT FROM THE RESIDENT'S  
29 IMMEDIATE ENVIRONMENT AND RESTRICTING THE RESIDENT ALONE IN A  
30 ROOM OR AREA.

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

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

4 (II) A RESIDENT IS VOLUNTARILY RESTRICTED TO AN AREA  
5 OR ROOM.

6 (III) ALL RESIDENTS ARE REQUIRED TO BE IN THEIR  
7 ROOMS OR ANOTHER ROOM OR AREA AS PART OF THE PROGRAM  
8 SCHEDULE.

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

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

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

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

18 (1) REALIZES THE WIDESPREAD IMPACT OF TRAUMA, INCLUDING  
19 HISTORICAL TRAUMA.

20 (2) UNDERSTANDS POTENTIAL PATHS TO RECOVERY.

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

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

26 (5) SEEKS TO ACTIVELY PREVENT RETRAUMATIZATION.

27 § 5702. SECLUSION PROHIBITED FOR PREGNANT OR POSTPARTUM CHILD.

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

1 (B) ALTERNATIVE DISCIPLINE.--FORMS OF DISCIPLINE FOR A  
2 PREGNANT OR POSTPARTUM CHILD SHALL BE LIMITED TO SANCTIONS,  
3 INCLUDING RESTRICTIONS ON TELEPHONE USAGE OR VISITATION OR OTHER  
4 COMMON FORMS OF ALTERNATIVE DISCIPLINE USED IN THE UNITED  
5 STATES.

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

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

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

17 (3) NO PERIOD OF SECLUSION IN EXCESS OF SEVEN DAYS MAY  
18 BE APPROVED.

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

22 § 5703. BODY CAVITY SEARCH AND INSPECTION RESTRICTIONS.

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

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

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

1 DIRECTOR OR DESIGNEE.

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

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

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

15 (3) BE SENT TO THE DEPARTMENT.

16 § 5704. TRAINING AND EDUCATION REQUIREMENT.

17 (A) FACILITY STAFF TRAINING.--THE FACILITY SHALL PROVIDE OR  
18 ARRANGE A TRAINING PROGRAM FOR STAFF WHO HAVE CONTACT WITH A  
19 PREGNANT, LABORING OR POSTPARTUM CHILD. THE TRAINING PROGRAM  
20 SHALL BE RELATED TO THE PHYSICAL AND MENTAL HEALTH OF THE  
21 PREGNANT OR POSTPARTUM CHILD AND UNBORN BABY, INCLUDING:

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

23 (2) THE IMPACT OF RESTRAINTS ON A PREGNANT CHILD AND  
24 UNBORN BABY.

25 (3) THE IMPACT OF BEING PLACED IN SECLUSION ON A  
26 PREGNANT CHILD.

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

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

30 (B) FACILITY STAFF TRAINING EXCEPTIONS.--IF THE FACILITY

1 PROHIBITS THE PLACEMENT OF A PREGNANT CHILD AS A MATTER OF  
2 POLICY, THE FACILITY MAY SUBMIT A WRITTEN EXEMPTION REPORTING  
3 THAT THERE IS NO RISK OF STAFF INTERACTING WITH A PREGNANT CHILD  
4 HOUSED IN THE FACILITY. THE FOLLOWING APPLY:

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

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

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

13 (C) EDUCATION PROGRAMMING FOR A PREGNANT CHILD.--THE  
14 FACILITY SHALL DEVELOP AND PROVIDE EDUCATIONAL PROGRAMMING FOR A  
15 PREGNANT OR POSTPARTUM CHILD. THE EDUCATIONAL PROGRAMMING SHALL  
16 BE RELATED TO:

17 (1) MEDICAL SCREENINGS RELATED TO REPRODUCTIVE AND  
18 OVERALL HEALTH, INCLUDING PREVENTIVE SCREENINGS.

19 (2) PRENATAL CARE.

20 (3) PREGNANCY-SPECIFIC HYGIENE.

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

22 (5) GENERAL HEALTH OF THE UNBORN BABY.

23 (6) ANY OTHER PERTINENT INFORMATION THE DEPARTMENT FINDS  
24 APPROPRIATE OR NECESSARY.

25 (D) TRAUMA-INFORMED CARE.--

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

29 (2) TRAUMA-INFORMED CARE FOR A CHILD SHALL BEGIN  
30 IMMEDIATELY UPON THE CHILD'S INTAKE AND ASSESSMENT AT A

1 FACILITY.

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

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

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

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

11 § 5705. (RESERVED).

12 § 5706. MENSTRUAL HYGIENE AND INCONTINENCE PRODUCTS.

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

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

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

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

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

1 § 5707. POSTPARTUM RECOVERY.

2 (A) RESTRAINTS DURING POSTPARTUM RECOVERY.--NO RESTRAINTS  
3 SHALL BE USED ON ANY CHILD WHO HAS GIVEN BIRTH WITHIN THE LAST  
4 30 DAYS AND IS IN POSTPARTUM RECOVERY, UNLESS THE DEPARTMENT  
5 HAS A REASONABLE BELIEF THAT THE CHILD WILL HARM THE CHILD, THE  
6 CHILD'S NEWBORN OR ANOTHER INDIVIDUAL OR POSE A SUBSTANTIAL RISK  
7 OF IMMINENT FLIGHT. IF RESTRAINTS ARE USED, THE STAFF ORDERING  
8 THE USE OF RESTRAINTS ON A CHILD WHILE IN POSTPARTUM RECOVERY  
9 SHALL SUBMIT A WRITTEN REPORT TO THE INDIVIDUAL IN CHARGE OF THE  
10 FACILITY WITHIN 72 HOURS FOLLOWING THE USE OF THE RESTRAINTS,  
11 CONTAINING THE JUSTIFICATION FOR RESTRAINING THE CHILD DURING  
12 POSTPARTUM RECOVERY. THE REPORT SHALL ALSO BE SENT TO THE  
13 DEPARTMENT.

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

20 (C) NUTRITIONAL AND HYGIENE PRODUCTS.--DURING THE 72-HOUR  
21 PERIOD UNDER SUBSECTION (B), THE DEPARTMENT SHALL MAKE AVAILABLE  
22 THE NECESSARY NUTRITIONAL AND HYGIENE PRODUCTS TO CARE FOR THE  
23 NEWBORN.

24 § 5708. REPORTS RELATING TO PREGNANT OR POSTPARTUM CHILD.

25 (A) REQUIREMENT.--A FACILITY SHALL, IN WRITING, REPORT TO  
26 THE DEPARTMENT ON EACH RESTRAINT APPLIED TO A PREGNANT, LABORING  
27 OR POSTPARTUM CHILD IN THE FACILITY'S CUSTODY. THE FOLLOWING  
28 APPLY:

29 (1) THE REPORT SHALL NOTE THE NUMBER AND TYPE OF  
30 RESTRAINTS.



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

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

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

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

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

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

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

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

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

30 SECTION 6. SECTIONS 5905(E), 5908(B)(3) AND (C), 5909(A)

1 INTRODUCTORY PARAGRAPH AND (5), (C) INTRODUCTORY PARAGRAPH AND  
2 (6) AND (D) (3) INTRODUCTORY PARAGRAPH AND 5911(A) AND (B) OF  
3 TITLE 61 ARE AMENDED TO READ:

4 § 5905. HEALTHY BIRTH FOR INCARCERATED WOMEN.

5 \* \* \*

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

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

16 "DETAINEE." INCLUDES ANY PERSON DETAINED UNDER THE  
17 IMMIGRATION LAWS OF THE UNITED STATES AT ANY CORRECTIONAL  
18 FACILITY.

19 "INCARCERATED INDIVIDUAL." AN INDIVIDUAL INCARCERATED OR  
20 DETAINED IN A CORRECTIONAL INSTITUTION WHO IS ACCUSED OF,  
21 CONVICTED OF, SENTENCED FOR OR ADJUDICATED DELINQUENT FOR  
22 VIOLATIONS OF CRIMINAL LAW OR THE TERMS AND CONDITIONS OF  
23 PAROLE, PROBATION[, ] OR PRETRIAL RELEASE [OR A DIVERSIONARY  
24 PROGRAM].

25 "RESTRAINT." ANY PHYSICAL HOLD OR MECHANICAL DEVICE USED TO  
26 CONTROL THE MOVEMENT OF AN INCARCERATED INDIVIDUAL'S OR  
27 DETAINEE'S BODY OR LIMBS OR BOTH.

28 § 5908. CAVITY SEARCH AND INSPECTION RESTRICTIONS.

29 \* \* \*

30 (B) DOCUMENTATION REQUIREMENT.--IF STAFF IS REQUIRED TO

1 PERFORM AN INVASIVE BODY CAVITY SEARCH ON A PREGNANT OR  
2 POSTPARTUM INCARCERATED INDIVIDUAL OR DETAINEE, OR MALE STAFF,  
3 OTHER THAN MEDICALLY LICENSED PROFESSIONAL MALE STAFF, IS  
4 REQUIRED TO CONDUCT A SEARCH ON A FEMALE INCARCERATED INDIVIDUAL  
5 OR DETAINEE IN A STATE OF UNDRESS, A WRITTEN REPORT SHALL BE  
6 SUBMITTED TO THE CORRECTIONAL INSTITUTION WITHIN 72 HOURS  
7 FOLLOWING THE CAVITY SEARCH OR INSPECTION. THE REPORT UNDER THIS  
8 SUBSECTION SHALL:

9 \* \* \*

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

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

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

18 "STAFF." AN INDIVIDUAL, INCLUDING CONTRACTED STAFF, WHO IS  
19 EMPLOYED BY A CORRECTIONAL INSTITUTION, THE DEPARTMENT [OR THE  
20 DEPARTMENT OF HUMAN SERVICES], EXCLUDING ANY LICENSED MEDICAL  
21 PROFESSIONAL.

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

26 § 5909. TRAINING AND EDUCATION REQUIREMENT.

27 (A) CORRECTIONAL INSTITUTION STAFF TRAINING.--THE  
28 [DEPARTMENT AND] DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT  
29 OF HUMAN SERVICES AND THE DEPARTMENT OF HEALTH, SHALL [JOINTLY]  
30 DEVELOP AND PROVIDE CORRECTIONAL INSTITUTIONS WITH A TRAINING

1 PROGRAM FOR STAFF WHO HAVE CONTACT WITH A PREGNANT, LABORING OR  
2 POSTPARTUM INCARCERATED INDIVIDUAL OR DETAINEE. THE TRAINING  
3 PROGRAM SHALL BE RELATED TO THE PHYSICAL AND MENTAL HEALTH OF  
4 THE PREGNANT OR POSTPARTUM INCARCERATED INDIVIDUAL OR DETAINEE  
5 AND UNBORN CHILD, INCLUDING:

6 \* \* \*

7 (5) ANY OTHER PERTINENT INFORMATION THE DEPARTMENT [OR  
8 THE DEPARTMENT OF HUMAN SERVICES] FINDS APPROPRIATE OR  
9 NECESSARY.

10 \* \* \*

11 (C) EDUCATION PROGRAMMING FOR PREGNANT INCARCERATED  
12 INDIVIDUALS.--THE [DEPARTMENT AND] DEPARTMENT, IN CONSULTATION  
13 WITH THE DEPARTMENT OF HUMAN SERVICES, SHALL [JOINTLY] DEVELOP  
14 AND PROVIDE CORRECTIONAL INSTITUTIONS AND COUNTY CORRECTIONAL  
15 INSTITUTIONS WITH EDUCATIONAL PROGRAMMING FOR PREGNANT OR  
16 POSTPARTUM INCARCERATED INDIVIDUALS OR DETAINEES. THE  
17 EDUCATIONAL PROGRAMMING SHALL BE RELATED TO:

18 \* \* \*

19 (6) ANY OTHER PERTINENT INFORMATION THE DEPARTMENT [OR  
20 THE DEPARTMENT OF HUMAN SERVICES] FINDS APPROPRIATE OR  
21 NECESSARY.

22 (D) TRAUMA-INFORMED CARE.--

23 \* \* \*

24 (3) [CORRECTIONAL] BEGINNING AFTER DECEMBER 31, 2025,  
25 CORRECTIONAL STAFF SHALL RECEIVE PROFESSIONAL TRAINING,  
26 APPROVED BY THE DEPARTMENT, IN CONSULTATION WITH THE  
27 DEPARTMENT OF HUMAN SERVICES, RELATING TO TRAUMA-INFORMED  
28 CARE, WHICH SHALL INCLUDE THE FOLLOWING:

29 \* \* \*

30 § 5911. POSTPARTUM RECOVERY.

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

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

24 \* \* \*

25 SECTION 7. WITH THE EXCEPTION OF THE AMENDMENT OR ADDITION  
26 OF 61 PA.C.S. § 1731(A)(2.1) AND (B), THIS ACT SHALL APPLY  
27 RETROACTIVELY TO JUNE 11, 2024.

28 SECTION 8. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

29 (1) THE AMENDMENT OR ADDITION OF 61 PA.C.S. § 1731(A)  
30 (2.1) AND (B) SHALL TAKE EFFECT IN 60 DAYS.

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