
A BILL FOR AN ACT

RELATING TO CORRECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The legislature finds that some inmates
3 released on parole would prefer not to become pregnant during
4 their reintegration period, but are often faced with a lack of
5 funding, healthcare, and access to contraceptives during the
6 first few months on parole. Providing these inmates with the
7 option to access prescription or non-prescription
8 contraceptives, or both, immediately prior to release would help
9 to reduce unplanned pregnancies and support parolees during this
10 critical period.

11 The legislature further finds that inmates from more rural
12 islands are often transferred to facilities on Oahu or in other
13 states due to space and staffing considerations. However, for
14 inmates who are breastfeeding, this transfer virtually
15 eliminates the possibility of the inmate's child continuing to
16 receive nutrients from breastfeeding. The American Academy of
17 Pediatrics recommends exclusive breastfeeding of infants for the



1 first six months of life before introducing nutritious
2 complementary foods and encourages social and systemic changes
3 to support mothers who choose to breastfeed.

4 Studies show that, if allowed to express milk for their
5 children, incarcerated mothers have better mental health
6 outcomes following the birth of, and separation from, the
7 mother's infants. Infants benefit from the increased maternal
8 attachment and the developmental, digestive, and immunological
9 properties of breast milk. Premature babies, who are often born
10 to incarcerated mothers, have a greater need for the protective
11 properties of breast milk. Providing nursing accommodations to
12 incarcerated women can help provide better mental health
13 outcomes and hormonal regulation for the mother, leading to
14 improved behavior; health cost savings for both the child and
15 mother; and an increased connection between the mother and
16 child, leading to lower recidivism rates.

17 Accordingly, the purpose of this Act is to lower recidivism
18 rates in the State by:

19 (1) Authorizing certain incarcerated mothers to:



- 1 (A) Either directly breastfeed any of the
2 incarcerated mother's eligible children or to
3 express milk for delivery to the child; and
4 (B) Elect to be committed to a correctional facility
5 in the incarcerated mother's home county; and
6 (2) Requiring the Hawaii paroling authority to provide
7 free contraception to parolees.

8 PART II

9 SECTION 2. Chapter 353, Hawaii Revised Statutes, is
10 amended by adding a new section to part I to be appropriately
11 designated and to read as follows:

12 "§353- Breastfeeding. Any inmate who is pregnant or a
13 mother to a child under six months of age may either breastfeed
14 the child directly or express milk for delivery to the child, or
15 both; provided that if the inmate chooses to express milk for
16 delivery to the child, the department of public safety shall
17 make available any accommodations necessary for the milk to be
18 expressed, frozen, stored, and delivered to the child."

19 SECTION 3. Section 706-672, Hawaii Revised Statutes, is
20 amended to read as follows:



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PART IV

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY: _____

NAB

JAN 24 2023



H.B. NO. 1232

Report Title:

Hawaii Paroling Authority; Corrections; Inmates; Breastfeeding;
Place of Imprisonment; Contraception

Description:

Authorizes certain inmates to either directly breastfeed any of the inmate's eligible children or to express milk for delivery to the child and to elect to be committed to a correctional facility in the inmate's home county. Requires the Hawaii Paroling Authority to provide free contraception to parolees.

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