

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1240 - SB 1150**

March 22, 2019

**SUMMARY OF BILL:** Requires a penal institution, correctional facility, detention center, or county jail to use the least restrictive restraints necessary on a pregnant inmate when the facility has actual or constructive knowledge that the inmate is pregnant. Outlines circumstances in which restraints are prohibited. Prohibits correctional staff from being present in the delivery room during the birth of a baby unless requested by the medical staff supervising the delivery. Requires a penal institution, correctional facility, detention center or county jail to provide postpartum inmates access to breast pumps at regular intervals for a period of six months from giving birth. Requires the Department of Health (DOH) to provide breast pumps to pregnant inmates free of charge. Requires a penal institution to provide sanitary storage for an inmate's breastmilk. Requires a penal institution to allow for visits to enable breastfeeding of the inmate's child or to allow for the timely collection of breast milk expressed by the inmate for the child by the inmate's family, relatives, or other designated individuals. Prohibits solitary confinement for pregnant inmates and inmates who have given birth within the past eight weeks.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$7,500/One-Time  
\$259,000/Recurring**

**Increase Local Expenditures – \$237,500/One-Time\*  
\$95,000/Recurring\***

Assumptions:

- Based on information provided by the Department of Correction (DOC), the Department has policies in place for the care of pregnant inmates, including the use of restraint devices and health services for females. Any impact to the Department resulting from revising policies, other than a policy for the expressing of breast milk, from the proposed legislation is estimated to be not significant.
- The DOC houses women in the Bledsoe County Correctional Complex, the Tennessee Prison for Women, and the Women's Therapeutic Residential Center.

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- The proposed legislation will require DOC to purchase refrigerators for the three locations housing women to store expressed breast milk. The one-time increase in state expenditures associated with refrigerators is estimated to be \$7,500 (\$2,500 x 3).
- DOC will be required to supply breast milk storage bags and cleaning supplies. The recurring increase in state expenditures associated with supplies is estimated to be \$6,498 (\$2,166 per state correctional facility x 3 facilities).
- The proposed legislation will require local jails to purchase refrigerators in each county to store expressed breast milk. The mandatory one-time increase in local expenditures associated with refrigerators is estimated to be \$237,500 (\$2,500 x 95).
- The mandatory recurring increase in local expenditures to provide breast milk storage bags and cleaning supplies to inmates is estimated to be \$95,000 (\$1,000 per county facility x 95 county facilities).
- The proposed legislation requires the Department of Health (DOH) to provide breast pumps to inmates. Breast pumps will be required to be replaced annually.
- The recurring increase in state expenditures to provide two hospital grade breast pumps in each DOC female facility is estimated to be \$15,000 (\$2,500 per pump x 2 per facility x 3 facilities).
- The recurring increase in state expenditures to provide one hospital grade breast pump in each county jail is estimated to be \$237,500 (\$2,500 per pump x 95 county facilities).
- The total recurring increase in state expenditures associated with the proposed legislation is estimated to be \$258,998 (\$6,498 + \$15,000 + \$237,500).

\*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/amj