

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

DRAFT  
10/3/23

**BILL 7**

LLS NO. 24-0279.02 Alana Rosen x2606

**INTERIM COMMITTEE BILL**

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**Legislative Oversight Committee Concerning the Treatment of Persons  
with Behavioral Health Disorders in the Criminal and Juvenile Justice  
Systems**

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**BILL TOPIC:** Measures To Support Perinatal Persons  
**DEADLINES:** File by: 10/3/2023

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES TO SUPPORT PERINATAL PERSONS INVOLVED**  
102 **IN THE CRIMINAL JUSTICE SYSTEM.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems.** The bill requires correctional facilities to make reasonable accommodations for pregnant or postpartum inmates (inmate) to access doula services at no expense to the inmate in custody. Each correctional facility that houses pregnant or postpartum inmates shall

*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words indicate deletions from existing law.*

establish partnerships with nonprofit organizations and community-based organizations that offer doula services to inmates.

The bill requires the task force concerning the treatment of persons with behavioral health disorders in the criminal and juvenile justice systems (task force) to study best and promising practices to support pregnant or postpartum people with behavioral health disorders who are involved or at risk of involvement or continued involvement in the criminal or juvenile justice systems. The task force shall recommend resources and actions that focus on severe perinatal depression and postpartum psychosis.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Nationally and in Colorado, perinatal mental health conditions  
5 are the most common complications of pregnancy and have enduring  
6 negative effects on the health of the birthing parent and infant;

7 (b) Perinatal mental health conditions and substance use disorders  
8 are causes of maternal mortality within the first postpartum year;

9 (c) Access to maternity care is a critical component to quality care  
10 and positive birth outcomes;

11 (d) In 2020, March of Dimes reported that 39.7% of Colorado  
12 counties were designated as maternity care deserts;

13 (e) The counties designated as maternity care deserts are also  
14 regions that lack mental health professionals and have few or no  
15 substance use treatment programs;

16 (f) Postpartum psychosis is an uncommon but severe psychiatric  
17 condition that occurs in approximately one to two per 1,000 birthing  
18 parents after childbirth;

19 (g) Postpartum psychosis, which is considered on the spectrum of  
20 bipolar mood disorders, is a medical emergency and often requires a

1 birthing parent's hospitalization for the safety of the birthing parent and  
2 the infant since risk for infanticide and suicide is significant;

3 (h) Caring for incarcerated pregnant or postpartum people  
4 represents a unique challenge, and Colorado is committed to continue  
5 building on the standards established in Senate Bill 21-193, enacted in  
6 2021;

7 (i) Doula birth support programs for incarcerated pregnant or  
8 postpartum people have shown positive results for delivery and parenting  
9 outcomes; and

10 (j) In April 2023, the department of health care policy and  
11 financing published the maternal health equity report, which recommends  
12 improved behavioral health screening, improved care coordination, an  
13 increase in behavioral health access, an increase in provider training  
14 focused on perinatal mental health and substance use screening and  
15 treatment, trauma-informed care, and implicit bias and equity  
16 considerations.

17 (2) The general assembly finds, therefore, that improved access  
18 to behavioral health screening and care coordination for pregnant or  
19 postpartum people, including those who are involved or at risk of  
20 involvement in the criminal or juvenile justice systems, is essential.  
21 Further understanding the intersection of behavioral health conditions  
22 unique to pregnant or postpartum people faced with the challenges of  
23 incarceration will ensure the development of programs and policies that  
24 address needs specific to Colorado. Establishing a doula program in the  
25 department of corrections will help improve delivery and parenting  
26 outcomes for incarcerated pregnant or postpartum people.

27 **SECTION 2.** In Colorado Revised Statutes, **add** 17-1-114.6 as

1 follows:

2 **17-1-114.6. Access to doula services - report - definitions.**

3 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
4 REQUIRES:

5 (a) "DOULA" MEANS A TRAINED BIRTH COMPANION WHO PROVIDES  
6 PERSONAL, NONMEDICAL SUPPORT TO PREGNANT AND POSTPARTUM  
7 PEOPLE AND THEIR FAMILIES PRIOR TO CHILDBIRTH, DURING LABOR AND  
8 DELIVERY, AND DURING THE POSTPARTUM PERIOD.

9 (b) "DOULA SERVICES" MEANS SERVICES PROVIDED BY A DOULA  
10 AND DESIGNED TO PROVIDE PHYSICAL, EMOTIONAL, OR INFORMATIONAL  
11 SUPPORT TO A PREGNANT PERSON BEFORE, DURING, AND AFTER THE  
12 DELIVERY OF A CHILD. DOULA SERVICES MAY INCLUDE, BUT ARE NOT  
13 LIMITED TO, SUPPORT AND ASSISTANCE DURING LABOR AND CHILDBIRTH,  
14 PRENATAL AND POSTPARTUM EDUCATION, BREASTFEEDING ASSISTANCE,  
15 PARENTING EDUCATION, AND SUPPORT IN THE EVENT THE BIRTHING  
16 PARENT HAS BEEN OR WILL BECOME SEPARATED FROM THE BIRTHING  
17 PARENT'S CHILD.

18 (c) "POSTPARTUM PERIOD" MEANS A PERIOD OF ONE YEAR AFTER  
19 THE END OF PREGNANCY, REGARDLESS OF WHETHER THE PREGNANCY ENDS  
20 WITH A LIVE BIRTH.

21 (2) A CORRECTIONAL FACILITY SHALL MAKE REASONABLE  
22 ACCOMMODATIONS FOR A PREGNANT OR POSTPARTUM INMATE TO ACCESS  
23 DOULA SERVICES AT NO EXPENSE TO THE INMATE IN CUSTODY.

24 (3) EACH CORRECTIONAL FACILITY THAT HOUSES PREGNANT OR  
25 POSTPARTUM INMATES SHALL ESTABLISH PARTNERSHIPS WITH NONPROFIT  
26 ORGANIZATIONS AND COMMUNITY-BASED ORGANIZATIONS THAT OFFER  
27 DOULA SERVICES TO AN INMATE WHO IS PREGNANT OR POSTPARTUM.

1           (4) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,  
2 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE  
3 PURPOSES OF THIS SECTION.

4           (5) (a) A CORRECTIONAL FACILITY SHALL COLLECT DATA ON THE  
5 NUMBER OF PREGNANT OR POSTPARTUM PEOPLE WHO REQUEST A DOULA  
6 AND THE TYPES OF SERVICES OFFERED TO PREGNANT OR POSTPARTUM  
7 PEOPLE.

8           (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), BY  
9 FEBRUARY 15, 2025, AND BY FEBRUARY 15 EACH YEAR THEREAFTER, A  
10 CORRECTIONAL FACILITY SHALL REPORT THE DATA COLLECTED AS  
11 DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION TO THE JUDICIARY  
12 COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR THEIR  
13 SUCCESSOR COMMITTEES.

14           (c) THE REPORT MAY BE PRODUCED IN CONJUNCTION WITH THE  
15 REPORT REQUIRED BY SECTION 17-1-114.5 (1)(j).

16           **SECTION 3.** In Colorado Revised Statutes, 18-1.9-102, **amend**  
17 (1); and **add** (3.5) and (4.5) as follows:

18           **18-1.9-102. Definitions.** As used in this article 1.9, unless the  
19 context otherwise requires:

20           (1) "Behavioral health" refers to an individual's mental and  
21 emotional well-being and actions that affect an individual's overall  
22 wellness. Behavioral health problems and disorders include substance use  
23 disorders, serious psychological distress, suicide, depression, SEVERE  
24 PERINATAL DEPRESSION, POSTPARTUM PSYCHOSIS, and other mental health  
25 disorders. Problems ranging from unhealthy stress or subclinical  
26 conditions to diagnosable and treatable diseases are included in the term  
27 "behavioral health". The term "behavioral health" is also used to describe

1 service systems that encompass prevention and promotion of emotional  
2 health, prevention and treatment services for mental health and substance  
3 use disorders, and recovery support.

4 (3.5) "POSTPARTUM PSYCHOSIS" MEANS A SEVERE PERINATAL  
5 MOOD AND ANXIETY DISORDER IN WHICH A PERSON IN THE POSTPARTUM  
6 PERIOD EXPERIENCES ALTERNATING STATES OF DEPRESSION OR MANIA AND  
7 LOSES TOUCH WITH REALITY.

8 (4.5) "SEVERE PERINATAL DEPRESSION" MEANS A PERINATAL  
9 MOOD AND ANXIETY DISORDER THAT OCCURS DURING THE PERINATAL  
10 PERIOD, WHICH INCLUDES A VARIETY OF IMPAIRING SYMPTOMS OF  
11 DEPRESSION; PSYCHOSIS; SEVERE ANXIETY; PANIC ATTACKS; INTRUSIVE,  
12 DISTRESSING, AND OBSSIVE THOUGHTS OR IMAGES; AND COMPULSIVE  
13 RITUALISTIC BEHAVIOR.

14 **SECTION 4.** In Colorado Revised Statutes, 18-1.9-104, **add**  
15 (3)(e) as follows:

16 **18-1.9-104. Task force concerning the treatment of persons**  
17 **with behavioral health disorders in the criminal and juvenile justice**  
18 **systems - creation - membership - duties. (3) Issues for study.**

19 (e) (I) THE TASK FORCE SHALL STUDY BEST AND PROMISING PRACTICES TO  
20 ADDRESS PREGNANT OR POSTPARTUM PEOPLE WITH BEHAVIORAL HEALTH  
21 DISORDERS WHO ARE INVOLVED OR AT RISK OF INVOLVEMENT OR  
22 CONTINUED INVOLVEMENT IN THE CRIMINAL OR JUVENILE JUSTICE  
23 SYSTEMS. THE TASK FORCE SHALL RECOMMEND RESOURCES AND ACTIONS  
24 THAT FOCUS ON SEVERE PERINATAL DEPRESSION AND POSTPARTUM  
25 PSYCHOSIS, INCLUDING:

26 (A) BEHAVIORAL HEALTH PROGRAMS FOR PREGNANT OR  
27 POSTPARTUM PEOPLE;

1 (B) SERVICES FOR PREGNANT OR POSTPARTUM DEFENDANTS OR  
2 INMATES IN CUSTODY; AND

3 (C) EXTENDING ALTERNATIVE SENTENCING TO PREGNANT OR  
4 POSTPARTUM DEFENDANTS IN ADDITION TO THE ALTERNATIVE  
5 SENTENCING ESTABLISHED PURSUANT TO SECTION 18-1.3-103.7.

6 (II) THE TASK FORCE SHALL DELIVER POLICY AND LEGISLATIVE  
7 RECOMMENDATIONS TO THE COMMITTEE DURING THE 2024 LEGISLATIVE  
8 INTERIM.

9 **SECTION 5.** In Colorado Revised Statutes, 17-1-114.5, **amend**  
10 (1)(j) as follows:

11 **17-1-114.5. Incarceration of a person in custody with the**  
12 **capacity for pregnancy - report.** (1) A correctional facility or private  
13 contract prison incarcerating a person who is capable of pregnancy shall:

14 (j) Notwithstanding section 24-1-136 (11)(a)(I), by February 15,  
15 2022, and by February 15 each year thereafter, report to the judiciary  
16 committees of the senate and house of representatives, or their successor  
17 committees, on the number of births by pregnant people who are in the  
18 custody of the facility, including the location of the births, that occurred  
19 in the prior calendar year. THE REPORT MAY BE PRODUCED IN  
20 CONJUNCTION WITH THE REPORT REQUIRED PURSUANT TO SECTION  
21 17-1-114.6 (5).

22 **SECTION 6. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety.