A BILL FOR AN ACT

CONCERNING PROVIDING FREE MENSTRUAL HYGIENE PRODUCTS TO PEOPLE IN CUSTODY.

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.)

The bill requires local jails, multijurisdictional jails, and municipal jails to provide menstrual hygiene products to people in custody at no expense to the people in custody.

1 Be it enacted by the General Assembly of the State of Colorado:
SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) In Colorado, approximately twenty percent of people in jail custody are women;

(b) People in jail custody who are women, transgender, or nonbinary encounter different challenges than men while incarcerated;

(c) For people in jail custody, practicing proper menstrual hygiene is almost impossible;

(d) Jails are consistently inconsistent when ensuring that people in jail custody have necessary access to menstrual hygiene products.

There is no consistent manner by which jails, including within a particular jail, ensure that people in jail custody have necessary access to menstrual hygiene products.

(e) The majority of people in jail custody have few resources. If people in jail custody are able to purchase menstrual hygiene products at the jail's commissary, the menstrual hygiene products are often unaffordable. In some jails, it takes time for money to be deposited for commissary use and for commissary privileges to effectuate.

(f) Poor menstrual hygiene can lead to negative health outcomes, including serious infections, toxic shock syndrome, and other abnormalities.

(2) The general assembly, therefore, declares that all people in jail custody deserve to be granted human dignity and do not have to endure obstacles, illness, or humiliation in order to access basic and necessary menstrual hygiene products.

SECTION 2. In Colorado Revised Statutes, add 17-26-104.3 as follows:
17-26-104.3. Menstrual hygiene products for a person in custody - definition. (1) The following facilities, whether operated by a governmental entity or a private contractor, shall provide menstrual hygiene products to a person in custody at no expense to the person in custody:

(a) A local jail, as defined in section 17-1-102 (7);
(b) A multijurisdictional jail, as described in section 17-26.5-101; and
(c) A municipal jail, as authorized in section 31-15-401 (1)(j).

(2) As used in this section, unless the context otherwise requires, "menstrual hygiene products" means tampons, menstrual pads, sanitary napkins, pantiliners, menstrual sponges, and menstrual cups.

SECTION 3. In Colorado Revised Statutes, add 31-15-404 as follows:

31-15-404. Menstrual hygiene products for a person in custody. A municipality that chooses to establish and operate a jail, as authorized in section 31-15-401 (1)(j), shall comply with the provisions of section 17-26-104.3 concerning the provision of menstrual hygiene products to a person in custody at no expense to the person in custody.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.