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.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute. Dashes through the words indicate deletions from existing statute.
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, 17-1-112, amend (4) as follows:
17-1-112. Expenses - reimbursement by department - report.

(4) To assist the general assembly in determining the amount of reimbursement described in subsection (1) of this section, on or before January 1, 2019, and on or before January 1 each year thereafter, each county and each city and county shall report to the joint budget committee the average cost of confining and maintaining persons in a local jail for more than seventy-two hours after each such person has been sentenced to the custody of the department. On or before September 1, 2018, the joint budget committee shall establish guidelines to ensure that each county and each city and county reports costs pursuant to this subsection (4) in a uniform manner. At a minimum, the guidelines must allow each county and each city and county to report costs in the following categories:

(a) Food;
(b) Clothing and laundry;
(c) Medical and behavioral health care costs;
(d) Personnel costs, including salaries and benefits;
(e) Inmate transportation costs; and
(f) Vocational training and educational costs; and

(g) Menstrual hygiene products, as defined by section 17-1-113.6 (2).

SECTION 3. In Colorado Revised Statutes, add 17-1-113.6 as follows:

17-1-113.6. Menstrual hygiene products for a person in custody - definition. (1) A correctional facility or private contract prison shall provide whichever menstrual hygiene products are requested by a person in custody to the person in
CUSTODY AT NO EXPENSE TO THE PERSON IN CUSTODY. A CORRECTIONAL
FACILITY OR PRIVATE CONTRACT PRISON SHALL NOT IMPOSE ANY
CONDITION OR RESTRICTION TO A PERSON IN CUSTODY'S ACCESS TO
MENSTRUAL HYGIENE PRODUCTS.

(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 4. 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) A FACILITY, AS DEFINED IN SUBSECTION (2) OF
THIS SECTION, WHETHER OPERATED BY A GOVERNMENTAL ENTITY OR A
PRIVATE CONTRACTOR, SHALL PROVIDE WHICHEVER MENSTRUAL HYGIENE
PRODUCTS ARE REQUESTED BY A PERSON IN CUSTODY TO THE PERSON IN
CUSTODY AT NO EXPENSE TO THE PERSON IN CUSTODY. THE FACILITY
SHALL NOT IMPOSE ANY CONDITION OR RESTRICTION TO A PERSON IN
CUSTODY'S ACCESS TO MENSTRUAL HYGIENE PRODUCTS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
REQUIRES:

(a) "FACILITY" MEANS:

(I) A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7);

(II) A MULTIJURISDICTIONAL JAIL, AS DESCRIBED IN SECTION
17-26.5-101; AND

(III) A MUNICIPAL JAIL, AS AUTHORIZED IN SECTION 31-15-401
(1)(j).

(b) "MENSTRUAL HYGIENE PRODUCTS" MEANS TAMPONS,
MENSTRUAL PADS, SANITARY NAPKINS, PANTILINERS, MENSTRUAL SPONGES, AND MENSTRUAL CUPS.

SECTION 5. In Colorado Revised Statutes, add 26-1-136.5 as follows:

26-1-136.5. Menstrual hygiene products for a person in custody - definition. (1) A DEPARTMENT OF HUMAN SERVICES FACILITY SHALL PROVIDE WHICHEVER MENSTRUAL HYGIENE PRODUCTS ARE REQUESTED BY A PERSON IN THE CUSTODY OF A DEPARTMENT OF HUMAN SERVICES FACILITY TO THE PERSON IN CUSTODY AT NO EXPENSE TO THE PERSON IN CUSTODY. THE DEPARTMENT OF HUMAN SERVICES FACILITY SHALL NOT IMPOSE ANY CONDITION OR RESTRICTION TO A PERSON IN CUSTODY'S ACCESS TO MENSTRUAL HYGIENE PRODUCTS.

(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 6. 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 7. 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.