SENRATE BILL 21-255

A BILL FOR AN ACT

CONCERNING PROVIDING MENSTRUAL HYGIENE PRODUCTS AT NO
EXPENSE TO STUDENTS, AND, IN CONNECTION THEREWITH,
MAKING AN APPROPRIATION.

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 creates in the department of education the menstrual hygiene products accessibility grant program to provide awards to eligible local education providers in order to provide menstrual hygiene products at no expense to students.

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

SECTION 1. In Colorado Revised Statutes, add 22-2-146 as follows:

22-2-146. Menstrual hygiene products accessibility grant program - eligibility - rules - report - definitions. (1) There is created in the Department the Menstrual Hygiene Products Accessibility Grant Program in order to provide menstrual hygiene products at no expense to students. A grant recipient shall ensure that menstrual hygiene products are accessible to a student regardless of the student’s gender identity.

   (2) A grant recipient shall use the award to acquire and distribute menstrual hygiene products at no expense to students or install and maintain a dispensing machine or disposal receptacle for menstrual hygiene products.

   (3) An eligible grant recipient is:

      (a) A local education provider if it has fifty percent or more students enrolled who are eligible for free or reduced-cost lunch pursuant to the Federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq.;

      (b) The Colorado School for the Deaf and the Blind, created and existing pursuant to Section 22-80-102 (1)(a); or

      (c) An approved facility school, as defined in Section 22-2-402 (1).

   (4) To receive a grant, an eligible grant recipient must submit an application to the Department by a date specified by the Department. The eligible grant recipient must include data
IN ITS APPLICATION CONCERNING THE NUMBER OF STUDENTS ENROLLED AT
THE ELIGIBLE GRANT RECIPIENT AND THE NUMBER OF RESTROOMS,
INCLUDING GENDER-NEUTRAL RESTROOMS, ON THE PROPERTY OF THE
ELIGIBLE GRANT RECIPIENT.

(5) THE DEPARTMENT SHALL IMPLEMENT AND ADMINISTER THE
GRANT PROGRAM, AND SHALL AWARD A GRANT TO AN ELIGIBLE GRANT
RECIPIENT THAT APPLIES IN AN AMOUNT THAT IS PROPORTIONATE TO THE
NUMBERS OF STUDENTS AND RESTROOMS AS PROVIDED IN ITS
APPLICATION. THE STATE BOARD MAY PROMULGATE RULES AS NECESSARY
TO IMPLEMENT THE GRANT PROGRAM.

(6) (a) ON OR BEFORE OCTOBER 1, 2022, AND ON OR BEFORE
OCTOBER 1, 2023, EACH GRANT RECIPIENT SHALL SUBMIT A REPORT TO
THE DEPARTMENT. THE REPORT MUST INCLUDE INFORMATION
CONCERNING THE AMOUNT OF MONEY SPENT ON THE ACQUISITION AND
DISTRIBUTION OF MENSTRUAL HYGIENE PRODUCTS AND THE AMOUNT OF
MONEY SPENT ON THE INSTALLATION AND MAINTENANCE OF A DISPENSING
MACHINE OR DISPOSAL RECEPTACLE FOR MENSTRUAL HYGIENE PRODUCTS.

(b) ON OR BEFORE JANUARY 2, 2023, AND ON OR BEFORE JANUARY
2, 2024, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT OF THE
INFORMATION RECEIVED PURSUANT TO SUBSECTION (6)(a) OF THIS
SECTION TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF
REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

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

(a) "Grant program" means the menstrual hygiene
products accessibility grant program created and existing
Pursuant to this section.
(b) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT OPERATES ONE OR MORE PUBLIC SCHOOLS.

(c) "MENSTRUAL HYGIENE PRODUCTS" MEANS TAMpons, MENSTRUAL PADS, AND PANTILINERS.

SECTION 2. Appropriation. For the 2021-22 state fiscal year, $100,000 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the menstrual hygiene product accessibility grant program.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.