

CHAPTER 438

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 24-1164

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also SENATOR(S) Buckner and Winter F., Bridges, Coleman, Cutter, Danielson, Exum, Fields, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Michaelson Jenet, Priola, Roberts, Sullivan.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, **add 22-1-147** as follows:

22-1-147. Menstrual products accessibility - rules - legislative declaration - definitions - repeal. (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

(I) MENSTRUAL PRODUCTS ARE A BASIC HEALTH NEED;

(II) THE LACK OF ACCESS TO MENSTRUAL PRODUCTS DISPROPORTIONATELY AFFECTS STUDENTS FROM LOW-INCOME HOUSEHOLDS. ACCORDING TO RECENT RESEARCH, ONE IN FOUR STUDENTS WHO MENSTRUATE IN THE UNITED STATES CANNOT AFFORD MENSTRUAL PRODUCTS.

(III) A STUDENT'S INABILITY TO ACCESS MENSTRUAL PRODUCTS MAY LEAD TO HEALTH ISSUES, INCREASE ABSENCES FROM SCHOOL, AND NEGATIVELY IMPACT A STUDENT'S ABILITY TO FULLY PARTICIPATE IN THE STUDENT'S EDUCATION; AND

(IV) PROVIDING FREE MENSTRUAL PRODUCTS TO STUDENTS IN SCHOOLS INCREASES ACCESS TO EDUCATIONAL OPPORTUNITIES AND SUPPORTS STUDENT WELL-BEING AND SUCCESS.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES IT NECESSARY TO ENSURE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

THAT ALL STUDENTS WHO MENSTRUATE HAVE ACCESS TO MENSTRUAL PRODUCTS IN ORDER TO PROMOTE THE HEALTH, DIGNITY, AND EDUCATION EQUALITY OF ALL STUDENTS.

(2) (a) (I) ON OR BEFORE JUNE 30, 2025, A LOCAL EDUCATION PROVIDER SHALL PROVIDE MENSTRUAL PRODUCTS AT NO EXPENSE TO STUDENTS IN AT LEAST TWENTY-FIVE PERCENT OF APPLICABLE STUDENT BATHROOMS IN ALL APPLICABLE SCHOOL BUILDINGS.

(II) ON OR BEFORE JUNE 30, 2026, A LOCAL EDUCATION PROVIDER SHALL PROVIDE MENSTRUAL PRODUCTS AT NO EXPENSE TO STUDENTS IN AT LEAST FIFTY PERCENT OF APPLICABLE STUDENT BATHROOMS IN ALL APPLICABLE SCHOOL BUILDINGS.

(III) ON OR BEFORE JUNE 30, 2027, A LOCAL EDUCATION PROVIDER SHALL PROVIDE MENSTRUAL PRODUCTS AT NO EXPENSE TO STUDENTS IN AT LEAST SEVENTY-FIVE PERCENT OF APPLICABLE STUDENT BATHROOMS IN ALL APPLICABLE SCHOOL BUILDINGS.

(IV) ON OR BEFORE JUNE 30, 2028, A LOCAL EDUCATION PROVIDER; THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, CREATED AND EXISTING PURSUANT TO SECTION 22-80-102 (1)(a); AND AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402, SHALL PROVIDE MENSTRUAL PRODUCTS AT NO EXPENSE TO STUDENTS IN ALL APPLICABLE STUDENT BATHROOMS IN ALL APPLICABLE SCHOOL BUILDINGS.

(b) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION TO THE CONTRARY, A LOCAL EDUCATION PROVIDER THAT IS A SMALL RURAL SCHOOL DISTRICT, INCLUDING A CHARTER SCHOOL OF THE SMALL RURAL SCHOOL DISTRICT, OR AN INSTITUTE CHARTER SCHOOL LOCATED WITHIN THE GEOGRAPHIC BOUNDARIES OF A SMALL RURAL SCHOOL DISTRICT IS NOT REQUIRED TO COMPLY WITH SUBSECTION (2)(a)(I), (2)(a)(II), OR (2)(a)(III) OF THIS SECTION.

(3) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION, IF AN APPLICABLE SCHOOL BUILDING DOES NOT HAVE A GENDER-NEUTRAL BATHROOM, THE LOCAL EDUCATION PROVIDER, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, OR THE APPROVED FACILITY SCHOOL SHALL PROVIDE MENSTRUAL PRODUCTS IN FEMALE-DESIGNATED BATHROOMS AND IN A HEALTH OFFICE LOCATED IN THE APPLICABLE SCHOOL BUILDING THAT IS ACCESSIBLE TO STUDENTS WHO MENSTRUATE; EXCEPT THAT, IF THERE IS NOT A HEALTH OFFICE, THE LOCAL EDUCATION PROVIDER, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, OR THE APPROVED FACILITY SCHOOL SHALL PROVIDE THE MENSTRUAL PRODUCTS IN AN ADMINISTRATIVE OFFICE LOCATED IN THE APPLICABLE SCHOOL BUILDING ACCESSIBLE TO STUDENTS WHO MENSTRUATE.

(4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, IF AN APPLICABLE SCHOOL BUILDING IS USED BY THE LOCAL EDUCATION PROVIDER, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, OR THE APPROVED FACILITY SCHOOL TO PROVIDE EDUCATIONAL SERVICES ONLY TO STUDENTS WHO ARE ENROLLED IN KINDERGARTEN THROUGH GRADE SIX, THE LOCAL EDUCATION PROVIDER SHALL PROVIDE MENSTRUAL PRODUCTS BUT MAY PROVIDE MENSTRUAL

PRODUCTS IN A HEALTH OFFICE LOCATED IN THE APPLICABLE SCHOOL BUILDING THAT IS ACCESSIBLE TO STUDENTS WHO MENSTRUATE; EXCEPT THAT, IF THERE IS NOT A HEALTH OFFICE, THE LOCAL EDUCATION PROVIDER SHALL PROVIDE THE MENSTRUAL PRODUCTS IN AN ADMINISTRATIVE OFFICE LOCATED IN THE APPLICABLE SCHOOL BUILDING ACCESSIBLE TO STUDENTS WHO MENSTRUATE.

(5) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION, IF A LOCAL EDUCATION PROVIDER, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, OR AN APPROVED FACILITY SCHOOL IS EXPERIENCING VANDALISM OR DESTRUCTION OF PROPERTY AS A RESULT OF COMPLYING WITH THE REQUIREMENTS OF THIS SECTION, THE LOCAL EDUCATION PROVIDER, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, OR THE APPROVED FACILITY SCHOOL MAY REMOVE THE MENSTRUAL PRODUCTS FROM THE APPLICABLE STUDENT BATHROOM. IF A LOCAL EDUCATION PROVIDER, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, OR AN APPROVED FACILITY SCHOOL REMOVES MENSTRUAL PRODUCTS FROM AN APPLICABLE STUDENT BATHROOM PURSUANT TO THIS SUBSECTION (4), THE LOCAL EDUCATION PROVIDER, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, OR THE APPROVED FACILITY SCHOOL SHALL POST INFORMATION IN THE APPLICABLE STUDENT BATHROOM REGARDING WHERE MENSTRUAL PRODUCTS ARE AVAILABLE IN THE APPLICABLE SCHOOL BUILDING.

(6) (a) A LOCAL EDUCATION PROVIDER THAT IS REQUIRED TO COMPLY WITH SUBSECTIONS (2)(a)(I), (2)(a)(II), AND (2)(a)(III) OF THIS SECTION SHALL POST INFORMATION IN APPLICABLE SCHOOL BATHROOMS WHERE THERE ARE NOT YET MENSTRUAL PRODUCTS REGARDING WHERE MENSTRUAL PRODUCTS ARE AVAILABLE IN THE APPLICABLE SCHOOL BUILDING.

(b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2030.

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

(a) "APPLICABLE SCHOOL BUILDING" MEANS A BUILDING THAT IS USED BY A LOCAL EDUCATION PROVIDER TO PROVIDE EDUCATIONAL SERVICES TO STUDENTS WHO ARE ENROLLED IN ANY OF GRADES SIX THROUGH TWELVE.

(b) "APPLICABLE STUDENT BATHROOM" MEANS A FEMALE-DESIGNATED BATHROOM OR A GENDER-NEUTRAL BATHROOM IN AN APPLICABLE SCHOOL BUILDING THAT IS ACCESSIBLE TO STUDENTS WHO ARE ENROLLED IN ANY OF GRADES SIX THROUGH TWELVE WHO MENSTRUATE.

(c) "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.

(d) "MENSTRUAL PRODUCTS" MEANS, AT A MINIMUM, TAMPONS AND MENSTRUAL PADS.

(e) "SMALL RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT THAT THE

DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT ENROLLS FEWER THAN ONE THOUSAND TWO HUNDRED STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE.

SECTION 2. In Colorado Revised Statutes, 22-2-147, **amend** (2), (3)(b), (3)(c), and (6); and **add** (3)(d), (5.3), (5.7), (8)(d), and (8)(e) as follows:

22-2-147. Menstrual hygiene products accessibility grant program - eligibility - report - rules - definitions. (2) A grant recipient shall use the award to acquire and distribute menstrual hygiene products at no expense to students or ACQUIRE, install, and maintain a dispensing machine or disposal receptacle for menstrual hygiene products.

(3) An eligible grant recipient is:

(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); OR

(d) A RURAL SCHOOL DISTRICT, A SMALL RURAL DISTRICT, A CHARTER SCHOOL OF A RURAL SCHOOL DISTRICT OR A SMALL RURAL DISTRICT, OR AN INSTITUTE CHARTER SCHOOL LOCATED WITHIN THE GEOGRAPHIC BOUNDARIES OF A RURAL SCHOOL DISTRICT OR SMALL RURAL SCHOOL DISTRICT.

(5.3) FOR THE 2024-25 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT TWO HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND FOR PURPOSES OF THIS SECTION.

(5.7) THE DEPARTMENT MAY RETAIN NO MORE THAN TEN PERCENT OF THE TOTAL AMOUNT APPROPRIATED PURSUANT TO SUBSECTION (5.3) OF THIS SECTION FOR THE GRANT PROGRAM TO OFFSET THE ACTUAL ADMINISTRATIVE COSTS INCURRED IN ADMINISTERING THE GRANT PROGRAM.

(6) (a) On or before October 1, 2022, and on or before October 1 ~~2023~~ EACH YEAR THEREAFTER, 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 ACQUISITION, 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~~ EACH YEAR THEREAFTER, 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.

(c) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION (6) CONTINUES INDEFINITELY.

(8) As used in this section, unless the context otherwise requires:

(d) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA.

(e) "SMALL RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT ENROLLS FEWER THAN ONE THOUSAND TWO HUNDRED STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE.

SECTION 3. Appropriation. For the 2024-25 state fiscal year, \$100,000 is appropriated to the department of education for use by student pathways. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.2 FTE. To implement this act, the division may use this appropriation for the menstrual hygiene product accessibility grant program.

SECTION 4. 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 5, 2024