

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 19-0931.01 Jacob Baus x2173

**HOUSE BILL 19-1224**

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**HOUSE SPONSORSHIP**

**Herod**, Arndt, Bird, Buckner, Buentello, Caraveo, Cutter, Duran, Esgar, Froelich, Galindo, Gonzales-Gutierrez, Hooton, Jackson, Jaquez Lewis, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Michaelson Jenet, Sirota, Tipper, Titone

**SENATE SPONSORSHIP**

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**House Committees**  
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**A BILL FOR AN ACT**

101      **CONCERNING PROVIDING FREE MENSTRUAL HYGIENE PRODUCTS TO**  
102      **PEOPLE IN CUSTODY.**

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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>.)*

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.

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1      *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.

HOUSE  
Amended 2nd Reading  
March 19, 2019

1           **SECTION 1. Legislative declaration.** (1) The general assembly  
2 hereby finds that:

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

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

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

9           (d) Jails are consistently inconsistent when ensuring that people  
10 in jail custody have necessary access to menstrual hygiene products.  
11 There is no consistent manner by which jails, including within a particular  
12 jail, ensure that people in jail custody have necessary access to menstrual  
13 hygiene products.

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

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

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

26           **SECTION 2.** In Colorado Revised Statutes, 17-1-112, **amend** (4)  
27 as follows:

1           **17-1-112. Expenses - reimbursement by department - report.**

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

- 14           (a) Food;
- 15           (b) Clothing and laundry;
- 16           (c) Medical and behavioral health care costs;
- 17           (d) Personnel costs, including salaries and benefits;
- 18           (e) Inmate transportation costs; ~~and~~
- 19           (f) Vocational training and educational costs; AND
- 20           (g) MENSTRUAL HYGIENE PRODUCTS, AS DEFINED BY SECTION  
21 17-1-113.6 (2).

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

24           **17-1-113.6. Menstrual hygiene products for a person in**  
25 **custody - definition.** (1) A CORRECTIONAL FACILITY OR PRIVATE  
26 CONTRACT PRISON SHALL PROVIDE WHICHEVER MENSTRUAL HYGIENE  
27 PRODUCTS ARE REQUESTED BY A PERSON IN CUSTODY TO THE PERSON IN

1 CUSTODY AT NO EXPENSE TO THE PERSON IN CUSTODY. A CORRECTIONAL  
2 FACILITY OR PRIVATE CONTRACT PRISON SHALL NOT IMPOSE ANY  
3 CONDITION OR RESTRICTION TO A PERSON IN CUSTODY'S ACCESS TO  
4 MENSTRUAL HYGIENE PRODUCTS.

5 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
6 REQUIRES, "MENSTRUAL HYGIENE PRODUCTS" MEANS TAMPONS,  
7 MENSTRUAL PADS, SANITARY NAPKINS, PANTILINERS, MENSTRUAL  
8 SPONGES, AND MENSTRUAL CUPS.

9 **SECTION 4.** In Colorado Revised Statutes, **add** 17-26-104.3 as  
10 follows:

11 **17-26-104.3. Menstrual hygiene products for a person in**  
12 **custody - definition.** (1) A FACILITY, AS DEFINED IN SUBSECTION (2) OF  
13 THIS SECTION, WHETHER OPERATED BY A GOVERNMENTAL ENTITY OR A  
14 PRIVATE CONTRACTOR, SHALL PROVIDE WHICHEVER MENSTRUAL HYGIENE  
15 PRODUCTS ARE REQUESTED BY A PERSON IN CUSTODY TO THE PERSON IN  
16 CUSTODY AT NO EXPENSE TO THE PERSON IN CUSTODY. THE FACILITY  
17 SHALL NOT IMPOSE ANY CONDITION OR RESTRICTION TO A PERSON IN  
18 CUSTODY'S ACCESS TO MENSTRUAL HYGIENE PRODUCTS.

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

- 21 (a) "FACILITY" MEANS:
- 22 (I) A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7);
  - 23 (II) A MULTI JURISDICTIONAL JAIL, AS DESCRIBED IN SECTION  
24 17-26.5-101; AND
  - 25 (III) A MUNICIPAL JAIL, AS AUTHORIZED IN SECTION 31-15-401  
26 (1)(j).
- 27 (b) "MENSTRUAL HYGIENE PRODUCTS" MEANS TAMPONS,

1 MENSTRUAL PADS, SANITARY NAPKINS, PANTILINERS, MENSTRUAL  
2 SPONGES, AND MENSTRUAL CUPS.

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

5 **26-1-136.5. Menstrual hygiene products for a person in**  
6 **custody - definition.** (1) A DEPARTMENT OF HUMAN SERVICES FACILITY  
7 SHALL PROVIDE WHICHEVER MENSTRUAL HYGIENE PRODUCTS ARE  
8 REQUESTED BY A PERSON IN THE CUSTODY OF A DEPARTMENT OF HUMAN  
9 SERVICES FACILITY TO THE PERSON IN CUSTODY AT NO EXPENSE TO THE  
10 PERSON IN CUSTODY. THE DEPARTMENT OF HUMAN SERVICES FACILITY  
11 SHALL NOT IMPOSE ANY CONDITION OR RESTRICTION TO A PERSON IN  
12 CUSTODY'S ACCESS TO MENSTRUAL HYGIENE PRODUCTS.

13 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
14 REQUIRES, "MENSTRUAL HYGIENE PRODUCTS" MEANS TAMPONS,  
15 MENSTRUAL PADS, SANITARY NAPKINS, PANTILINERS, MENSTRUAL  
16 SPONGES, AND MENSTRUAL CUPS.

17 **SECTION 6.** In Colorado Revised Statutes, **add** 31-15-404 as  
18 follows:

19 **31-15-404. Menstrual hygiene products for a person in**  
20 **custody.** A MUNICIPALITY THAT CHOOSES TO ESTABLISH AND OPERATE A  
21 JAIL, AS AUTHORIZED IN SECTION 31-15-401 (1)(j), SHALL COMPLY WITH  
22 THE PROVISIONS OF SECTION 17-26-104.3 CONCERNING THE PROVISION OF  
23 MENSTRUAL HYGIENE PRODUCTS TO A PERSON IN CUSTODY AT NO EXPENSE  
24 TO THE PERSON IN CUSTODY.

25 **SECTION 7. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, and safety.