

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

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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**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.

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 MENSTRUAL HYGIENE PRODUCTS TO A  
27 PERSON IN CUSTODY AT NO EXPENSE TO THE PERSON IN CUSTODY.

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

5 SECTION 4. In Colorado Revised Statutes, add 17-26-104.3 as  
6 follows:

7 17-26-104.3. Menstrual hygiene products for a person in  
8 custody - definition. (1) THE FOLLOWING FACILITIES, WHETHER  
9 OPERATED BY A GOVERNMENTAL ENTITY OR A PRIVATE CONTRACTOR,  
10 SHALL PROVIDE MENSTRUAL HYGIENE PRODUCTS TO A PERSON IN CUSTODY  
11 AT NO EXPENSE TO THE PERSON IN CUSTODY:

- 12 (a) A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7);
- 13 (b) A MULTIJURISDICTIONAL JAIL, AS DESCRIBED IN SECTION  
14 17-26.5-101; AND
- 15 (c) A MUNICIPAL JAIL, AS AUTHORIZED IN SECTION 31-15-401  
16 (1)(j).

17 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
18 REQUIRES, "MENSTRUAL HYGIENE PRODUCTS" MEANS TAMPONS,  
19 MENSTRUAL PADS, SANITARY NAPKINS, PANTILINERS, MENSTRUAL  
20 SPONGES, AND MENSTRUAL CUPS.

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

23 26-1-136.5. Menstrual hygiene products for a person in a  
24 department of human services facility custody - definition. (1) A  
25 DEPARTMENT OF HUMAN SERVICES FACILITY SHALL PROVIDE MENSTRUAL  
26 HYGIENE PRODUCTS TO A PERSON IN THE CUSTODY OF A DEPARTMENT OF  
27 HUMAN SERVICES FACILITY AT NO EXPENSE TO THE PERSON IN THE

1 CUSTODY OF A DEPARTMENT OF HUMAN SERVICES FACILITY.

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

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

8 **31-15-404. Menstrual hygiene products for a person in**  
9 **custody.** A MUNICIPALITY THAT CHOOSES TO ESTABLISH AND OPERATE A  
10 JAIL, AS AUTHORIZED IN SECTION 31-15-401 (1)(j), SHALL COMPLY WITH  
11 THE PROVISIONS OF SECTION 17-26-104.3 CONCERNING THE PROVISION OF  
12 MENSTRUAL HYGIENE PRODUCTS TO A PERSON IN CUSTODY AT NO EXPENSE  
13 TO THE PERSON IN CUSTODY.

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