

CHAPTER 131

CORRECTIONS

HOUSE BILL 19-1224

BY REPRESENTATIVE(S) 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, Benavidez, Catlin, Coleman, Exum, Garnett, Gray, Hansen, Kennedy, Landgraf, Melton, Mullica, Roberts, Singer, Snyder, Sullivan, Valdez A., Valdez D., Weissman, Becker, Bockenfeld;
also SENATOR(S) Winter, Bridges, Court, Crowder, Danielson, Fenberg, Ginal, Gonzales, Lee, Moreno, Pettersen, Rodriguez, Story, Tate, Todd, Williams A., Zenzinger.

AN ACT**CONCERNING PROVIDING FREE MENSTRUAL HYGIENE PRODUCTS TO PEOPLE IN CUSTODY.**

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

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 routinely 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 limited 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 take

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.

effect.

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

(2) The general assembly, therefore, declares that all people in jail custody who are women, transgender, or nonbinary 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 ON 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, AND PANTILINERS.

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 ON 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, AND PANTILINERS.

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 ON 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, AND PANTILINERS.

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.

Approved: April 25, 2019