

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

INTRODUCED

LLS NO. 19-0931.01 Jacob Baus x2173

HOUSE BILL 19-1224

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

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A BILL FOR AN ACT

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

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.

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, **add** 17-26-104.3 as
27 follows:

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

6 (a) A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7);

7 (b) A MULTI JURISDICTIONAL JAIL, AS DESCRIBED IN SECTION
8 17-26.5-101; AND

9 (c) A MUNICIPAL JAIL, AS AUTHORIZED IN SECTION 31-15-401
10 (1)(j).

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

15 **SECTION 3.** In Colorado Revised Statutes, **add** 31-15-404 as
16 follows:

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

23 **SECTION 4. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.