

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

REVISED

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

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.

SENATE
Amended 2nd Reading
April 4, 2019

HOUSE
3rd Reading Unamended
March 20, 2019

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

14 (e) The majority of people in jail custody have limited resources.
15 If people in jail custody are able to purchase menstrual hygiene products
16 at 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 take effect.

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

22 (2) The general assembly, therefore, declares that all people in jail
23 custody who are women, transgender, or nonbinary deserve to be granted
24 human dignity and do not have to endure obstacles, illness, or humiliation
25 in order to access basic and necessary 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 ON 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, AND PANTILINERS.

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

10 **17-26-104.3. Menstrual hygiene products for a person in**
11 **custody - definition.** (1) A FACILITY, AS DEFINED IN SUBSECTION (2) OF
12 THIS SECTION, WHETHER OPERATED BY A GOVERNMENTAL ENTITY OR A
13 PRIVATE CONTRACTOR, SHALL PROVIDE WHICHEVER MENSTRUAL HYGIENE
14 PRODUCTS ARE REQUESTED BY A PERSON IN CUSTODY TO THE PERSON IN
15 CUSTODY AT NO EXPENSE TO THE PERSON IN CUSTODY. THE FACILITY
16 SHALL NOT IMPOSE ANY CONDITION OR RESTRICTION ON A PERSON IN
17 CUSTODY'S ACCESS TO MENSTRUAL HYGIENE PRODUCTS.

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

20 (a) "FACILITY" MEANS:

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

22 (II) A MULTI JURISDICTIONAL JAIL, AS DESCRIBED IN SECTION
23 17-26.5-101; AND

24 (III) A MUNICIPAL JAIL, AS AUTHORIZED IN SECTION 31-15-401
25 (1)(j).

26 (b) "MENSTRUAL HYGIENE PRODUCTS" MEANS TAMPONS,
27 MENSTRUAL PADS, SANITARY NAPKINS, AND PANTILINERS.

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

3 **26-1-136.5. Menstrual hygiene products for a person in**
4 **custody - definition.** (1) A DEPARTMENT OF HUMAN SERVICES FACILITY
5 SHALL PROVIDE WHICHEVER MENSTRUAL HYGIENE PRODUCTS ARE
6 REQUESTED BY A PERSON IN THE CUSTODY OF A DEPARTMENT OF HUMAN
7 SERVICES FACILITY TO THE PERSON IN CUSTODY AT NO EXPENSE TO THE
8 PERSON IN CUSTODY. THE DEPARTMENT OF HUMAN SERVICES FACILITY
9 SHALL NOT IMPOSE ANY CONDITION OR RESTRICTION ON A PERSON IN
10 CUSTODY'S ACCESS TO MENSTRUAL HYGIENE PRODUCTS.

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

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

16 **31-15-404. Menstrual hygiene products for a person in**
17 **custody.** A MUNICIPALITY THAT CHOOSES TO ESTABLISH AND OPERATE A
18 JAIL, AS AUTHORIZED IN SECTION 31-15-401 (1)(j), SHALL COMPLY WITH
19 THE PROVISIONS OF SECTION 17-26-104.3 CONCERNING THE PROVISION OF
20 MENSTRUAL HYGIENE PRODUCTS TO A PERSON IN CUSTODY AT NO EXPENSE
21 TO THE PERSON IN CUSTODY.

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