

CHAPTER 444

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 21-255

BY SENATOR(S) Winter, Bridges, Buckner, Danielson, Donovan, Fenberg, Gonzales, Hansen, Jaquez Lewis, Kolker, Moreno, Pettersen, Story, Zenzinger, Garcia;
 also REPRESENTATIVE(S) Herod and Titone, Amabile, Bacon, Bernett, Bird, Boesenecker, Caraveo, Cutter, Daugherty, Esgar, Gonzales-Gutierrez, Hooton, Jackson, Jodeh, Kennedy, Lontine, McCluskie, McCormick, Michaelson Jenet, Ricks, Roberts, Sirota, Valdez A., Valdez D., Woodrow, Young, Garnett.

AN ACT

CONCERNING PROVIDING MENSTRUAL HYGIENE PRODUCTS AT NO EXPENSE TO STUDENTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add 22-2-147** as follows:

22-2-147. Menstrual hygiene products accessibility grant program - eligibility - rules - report - definitions. (1) THERE IS CREATED IN THE DEPARTMENT THE MENSTRUAL HYGIENE PRODUCTS ACCESSIBILITY GRANT PROGRAM IN ORDER TO PROVIDE MENSTRUAL HYGIENE PRODUCTS AT NO EXPENSE TO STUDENTS. A GRANT RECIPIENT SHALL ENSURE THAT MENSTRUAL HYGIENE PRODUCTS ARE ACCESSIBLE TO A STUDENT REGARDLESS OF THE STUDENT'S GENDER IDENTITY.

(2) A GRANT RECIPIENT SHALL USE THE AWARD TO ACQUIRE AND DISTRIBUTE MENSTRUAL HYGIENE PRODUCTS AT NO EXPENSE TO STUDENTS OR INSTALL AND MAINTAIN A DISPENSING MACHINE OR DISPOSAL RECEPTACLE FOR MENSTRUAL HYGIENE PRODUCTS.

(3) AN ELIGIBLE GRANT RECIPIENT IS:

(a) A LOCAL EDUCATION PROVIDER IF IT HAS FIFTY PERCENT OR MORE STUDENTS ENROLLED WHO ARE ELIGIBLE FOR FREE OR REDUCED-COST LUNCH PURSUANT TO THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.;

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.

(b) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, CREATED AND EXISTING PURSUANT TO SECTION 22-80-102 (1)(a); OR

(c) AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402 (1).

(4) TO RECEIVE A GRANT, AN ELIGIBLE GRANT RECIPIENT MUST SUBMIT AN APPLICATION TO THE DEPARTMENT BY A DATE SPECIFIED BY THE DEPARTMENT. THE ELIGIBLE GRANT RECIPIENT MUST INCLUDE DATA IN ITS APPLICATION CONCERNING THE NUMBER OF STUDENTS ENROLLED AT THE ELIGIBLE GRANT RECIPIENT AND THE NUMBER OF RESTROOMS, INCLUDING GENDER-NEUTRAL RESTROOMS, ON THE PROPERTY OF THE ELIGIBLE GRANT RECIPIENT.

(5) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL IMPLEMENT AND ADMINISTER THE GRANT PROGRAM, AND SHALL AWARD A GRANT TO AN ELIGIBLE GRANT RECIPIENT THAT APPLIES IN AN AMOUNT THAT IS PROPORTIONATE TO THE NUMBERS OF STUDENTS AND RESTROOMS AS PROVIDED IN ITS APPLICATION. THE STATE BOARD MAY PROMULGATE RULES AS NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

(6) (a) ON OR BEFORE OCTOBER 1, 2022, AND ON OR BEFORE OCTOBER 1, 2023, EACH GRANT RECIPIENT SHALL SUBMIT A REPORT TO THE DEPARTMENT. THE REPORT MUST INCLUDE INFORMATION CONCERNING THE AMOUNT OF MONEY SPENT ON THE ACQUISITION AND DISTRIBUTION OF MENSTRUAL HYGIENE PRODUCTS AND THE AMOUNT OF MONEY SPENT ON THE INSTALLATION AND MAINTENANCE OF A DISPENSING MACHINE OR DISPOSAL RECEPTACLE FOR MENSTRUAL HYGIENE PRODUCTS.

(b) ON OR BEFORE JANUARY 2, 2023, AND ON OR BEFORE JANUARY 2, 2024, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT OF THE INFORMATION RECEIVED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

(7) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION.

(8) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "GRANT PROGRAM" MEANS THE MENSTRUAL HYGIENE PRODUCTS ACCESSIBILITY GRANT PROGRAM CREATED AND EXISTING PURSUANT TO THIS SECTION.

(b) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT OPERATES ONE OR MORE PUBLIC SCHOOLS.

(c) "MENSTRUAL HYGIENE PRODUCTS" MEANS TAMPONS, MENSTRUAL PADS, AND

PANTILINERS.

SECTION 2. Appropriation. For the 2021-22 state fiscal year, \$100,000 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the menstrual hygiene product accessibility grant program.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: July 6, 2021