

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

REREVISED

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

LLS NO. 21-0980.03 Jacob Baus x2173

SENATE BILL 21-255

SENATE SPONSORSHIP

Winter,

HOUSE SPONSORSHIP

Herod and Titone, Amabile, Bacon, Bernett, Bird, Boesenecker, Caraveo, Cutter, Daugherty, Esgar, Garnett, Gonzales-Gutierrez, Hooton, Jackson, Jodeh, Kennedy, Lontine, McCluskie, McCormick, Michaelson Jenet, Ricks, Roberts, Sirota, Valdez A., Valdez D., Woodrow, Young

Senate Committees

Education
Appropriations

House Committees

Health & Insurance
Appropriations

A BILL FOR AN ACT

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

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 creates in the department of education the menstrual hygiene products accessibility grant program to provide awards to eligible local education providers in order to provide menstrual hygiene products at no expense to students.

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.*

HOUSE
3rd Reading Unamended
June 3, 2021

HOUSE
Amended 2nd Reading
June 2, 2021

SENATE
3rd Reading Unamended
May 24, 2021

SENATE
Amended 2nd Reading
May 21, 2021

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 22-2-146** as
3 follows:

4 **22-2-146. Menstrual hygiene products accessibility grant**
5 **program - eligibility - rules - report - definitions.** (1) THERE IS
6 CREATED IN THE DEPARTMENT THE MENSTRUAL HYGIENE PRODUCTS
7 ACCESSIBILITY GRANT PROGRAM IN ORDER TO PROVIDE MENSTRUAL
8 HYGIENE PRODUCTS AT NO EXPENSE TO STUDENTS. A GRANT RECIPIENT
9 SHALL ENSURE THAT MENSTRUAL HYGIENE PRODUCTS ARE ACCESSIBLE TO
10 A STUDENT REGARDLESS OF THE STUDENT'S GENDER IDENTITY.

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

15 (3) AN ELIGIBLE GRANT RECIPIENT IS:

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

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

22 (c) AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION
23 22-2-402 (1).

24 (4) TO RECEIVE A GRANT, AN ELIGIBLE GRANT RECIPIENT MUST
25 SUBMIT AN APPLICATION TO THE DEPARTMENT BY A DATE SPECIFIED BY
26 THE DEPARTMENT. THE ELIGIBLE GRANT RECIPIENT MUST INCLUDE DATA

1 INITS APPLICATION CONCERNING THE NUMBER OF STUDENTS ENROLLED AT
2 THE ELIGIBLE GRANT RECIPIENT AND THE NUMBER OF RESTROOMS,
3 INCLUDING GENDER-NEUTRAL RESTROOMS, ON THE PROPERTY OF THE
4 ELIGIBLE GRANT RECIPIENT.

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

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

18 (b) ON OR BEFORE JANUARY 2, 2023, AND ON OR BEFORE JANUARY
19 2, 2024, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT OF THE
20 INFORMATION RECEIVED PURSUANT TO SUBSECTION (6)(a) OF THIS
21 SECTION TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF
22 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

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

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

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

4 (b) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
5 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
6 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
7 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
8 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED
9 AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT
10 OPERATES ONE OR MORE PUBLIC SCHOOLS.

11 (c) "MENSTRUAL HYGIENE PRODUCTS" MEANS TAMPONS,
12 MENSTRUAL PADS, AND PANTILINERS.

13 **SECTION 2. Appropriation.** For the 2021-22 state fiscal year,
14 \$100,000 is appropriated to the department of education. This
15 appropriation is from the general fund. To implement this act, the
16 department may use this appropriation for the menstrual hygiene product
17 accessibility grant program.

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