

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0485.01 Jacob Baus x2173

HOUSE BILL 24-1164

HOUSE SPONSORSHIP

Titone and Willford, Herod

SENATE SPONSORSHIP

Buckner and Winter F.,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO PROVIDE MENSTRUAL PRODUCTS AT NO
102 EXPENSE TO STUDENTS.

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>.)

Beginning July 1, 2025, local education providers are required to provide free menstrual products in at least half of applicable school buildings in bathrooms that are accessible to students enrolled in sixth through twelfth grade who menstruate, except for a small rural school district and a local education provider with only one applicable school building.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

Beginning July 1, 2026, all local education providers, facility schools, and the Colorado school for the deaf and the blind are required to provide free menstrual products to students in applicable school buildings in bathrooms that are accessible to students enrolled in sixth through twelfth grade who menstruate.

The bill expands eligibility for the menstrual hygiene products accessibility grant program (grant program) to make any local education provider eligible for a grant award and requires the department of education (department) to prioritize awards to certain applicants if the demand exceeds the amount appropriated for the grant program.

For the 2024-25 state fiscal year, the bill requires the general assembly to appropriate \$400,000 to the grant program. The bill allows the department to retain up to 5% of any appropriation on actual administrative costs for the grant program and allows grant awards to be used to acquire a dispensing machine or disposal receptacle for menstrual hygiene products.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-1-144 as
3 follows:

4 **22-1-144. Menstrual products accessibility - rules - legislative**
5 **declaration - definitions - repeal.** (1) (a) THE GENERAL ASSEMBLY FINDS
6 THAT:

7 (I) MENSTRUAL PRODUCTS ARE A BASIC HEALTH NEED;

8 (II) THE LACK OF ACCESS TO MENSTRUAL PRODUCTS
9 DISPROPORTIONATELY AFFECTS STUDENTS FROM LOW-INCOME
10 HOUSEHOLDS. ACCORDING TO RECENT RESEARCH, ONE IN FOUR STUDENTS
11 WHO MENSTRUATE IN THE UNITED STATES CANNOT AFFORD MENSTRUAL
12 PRODUCTS.

13 (III) A STUDENT'S INABILITY TO ACCESS MENSTRUAL PRODUCTS
14 MAY LEAD TO HEALTH ISSUES, INCREASE ABSENCES FROM SCHOOL, AND
15 NEGATIVELY IMPACT A STUDENT'S ABILITY TO FULLY PARTICIPATE IN THE
16 STUDENT'S EDUCATION; AND

1 (IV) PROVIDING FREE MENSTRUAL PRODUCTS TO STUDENTS IN
2 SCHOOLS INCREASES ACCESS TO EDUCATIONAL OPPORTUNITIES AND
3 SUPPORTS STUDENT WELL-BEING AND SUCCESS.

4 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES IT NECESSARY
5 TO ENSURE THAT ALL STUDENTS WHO MENSTRUATE HAVE ACCESS TO
6 MENSTRUAL PRODUCTS IN ORDER TO PROMOTE THE HEALTH, DIGNITY, AND
7 EDUCATION EQUALITY OF ALL STUDENTS.

8 (2) (a) (I) ON OR BEFORE JULY 1, 2025, A LOCAL EDUCATION
9 PROVIDER SHALL PROVIDE MENSTRUAL PRODUCTS AT NO EXPENSE TO
10 STUDENTS IN ALL APPLICABLE STUDENT BATHROOMS LOCATED IN AT
11 LEAST HALF OF ALL APPLICABLE SCHOOL BUILDINGS. IF AN APPLICABLE
12 SCHOOL BUILDING DOES NOT HAVE A GENDER-NEUTRAL BATHROOM, THE
13 LOCAL EDUCATION PROVIDER SHALL PROVIDE MENSTRUAL PRODUCTS IN
14 FEMALE-DESIGNATED STUDENT BATHROOMS AND IN A HEALTH OFFICE
15 LOCATED IN THE APPLICABLE SCHOOL BUILDING THAT IS ACCESSIBLE TO
16 STUDENTS WHO MENSTRUATE; EXCEPT THAT, IF THERE IS NOT A HEALTH
17 OFFICE, THE LOCAL EDUCATION PROVIDER SHALL PROVIDE THE
18 MENSTRUAL PRODUCTS IN AN ADMINISTRATIVE OFFICE LOCATED IN THE
19 APPLICABLE SCHOOL BUILDING ACCESSIBLE TO STUDENTS WHO
20 MENSTRUATE.

21 (II) NOTWITHSTANDING SUBSECTION (2)(a)(I) OF THIS SECTION, A
22 LOCAL EDUCATION PROVIDER THAT HAS ONLY ONE APPLICABLE SCHOOL
23 BUILDING, OR A SMALL RURAL SCHOOL DISTRICT, IS NOT REQUIRED TO
24 COMPLY WITH SUBSECTION (2)(a)(I) OF THIS SECTION.

25 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2026.

26 (3) ON OR BEFORE JULY 1, 2026, A LOCAL EDUCATION PROVIDER;
27 THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, CREATED AND

1 EXISTING PURSUANT TO SECTION 22-80-102 (1)(a); AND AN APPROVED
2 FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402, SHALL PROVIDE
3 MENSTRUAL PRODUCTS AT NO EXPENSE TO STUDENTS IN ALL APPLICABLE
4 STUDENT BATHROOMS LOCATED IN ALL APPLICABLE SCHOOL BUILDINGS.
5 IF AN APPLICABLE SCHOOL BUILDING DOES NOT HAVE A GENDER-NEUTRAL
6 BATHROOM, THE LOCAL EDUCATION PROVIDER OR SCHOOL SHALL PROVIDE
7 MENSTRUAL PRODUCTS IN FEMALE-DESIGNATED STUDENT BATHROOMS
8 AND IN A HEALTH OFFICE LOCATED IN THE APPLICABLE SCHOOL BUILDING
9 THAT IS ACCESSIBLE TO STUDENTS WHO MENSTRUATE; EXCEPT THAT, IF
10 THERE IS NOT A HEALTH OFFICE, THE LOCAL EDUCATION PROVIDER OR
11 SCHOOL SHALL PROVIDE THE MENSTRUAL PRODUCTS IN AN
12 ADMINISTRATIVE OFFICE LOCATED IN THE APPLICABLE SCHOOL BUILDING
13 ACCESSIBLE TO STUDENTS WHO MENSTRUATE.

14 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES:

16 (a) "APPLICABLE SCHOOL BUILDING" MEANS A BUILDING THAT IS
17 USED BY A LOCAL EDUCATION PROVIDER TO PROVIDE EDUCATIONAL
18 SERVICES TO STUDENTS WHO ARE ENROLLED IN ANY OF GRADES SIX
19 THROUGH TWELVE.

20 (b) "APPLICABLE STUDENT BATHROOM" MEANS A BATHROOM IN AN
21 APPLICABLE SCHOOL BUILDING THAT IS ACCESSIBLE TO STUDENTS WHO
22 ARE ENROLLED IN ANY OF GRADES SIX THROUGH TWELVE WHO
23 MENSTRUATE, INCLUDING A FEMALE-DESIGNATED BATHROOM AND A
24 GENDER-NEUTRAL BATHROOM.

25 (c) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
26 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
27 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY

1 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
2 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED
3 AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT
4 OPERATES ONE OR MORE PUBLIC SCHOOLS.

5 (d) "MENSTRUAL PRODUCTS" MEANS, AT A MINIMUM, TAMPONS
6 AND MENSTRUAL PADS.

7 (e) "SMALL RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT
8 THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON
9 THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
10 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT
11 ENROLLS FEWER THAN ONE THOUSAND TWO HUNDRED STUDENTS IN
12 KINDERGARTEN THROUGH TWELFTH GRADE.

13 **SECTION 2.** In Colorado Revised Statutes, 22-2-147, **amend** (2),
14 (3)(a), (5), and (6); and **add** (3.5), (5.3), and (5.7) as follows:

15 **22-2-147. Menstrual hygiene products accessibility grant**
16 **program - eligibility - report - rules - definitions.** (2) A grant recipient
17 shall use the award to acquire and distribute menstrual hygiene products
18 at no expense to students or ACQUIRE, install, and maintain a dispensing
19 machine or disposal receptacle for menstrual hygiene products.

20 (3) An eligible grant recipient is:

21 (a) A local education provider; ~~if it has fifty percent or more~~
22 ~~students enrolled who are eligible for free or reduced-cost lunch pursuant~~
23 ~~to the federal "Richard B. Russell National School Lunch Act", 42 U.S.C.~~
24 ~~sec. 1751 et seq.~~

25 (3.5) THE DEPARTMENT SHALL AWARD A GRANT TO AN ELIGIBLE
26 GRANT RECIPIENT THAT APPLIES IN AN AMOUNT THAT IS PROPORTIONATE
27 TO THE NUMBER OF STUDENTS AND RESTROOMS AS PROVIDED IN ITS

1 APPLICATION. IF THE DEMAND FROM ELIGIBLE GRANT RECIPIENTS EXCEEDS
2 THE AMOUNT APPROPRIATED FOR THE GRANT PROGRAM, THE DEPARTMENT
3 SHALL AWARD GRANTS TO ELIGIBLE GRANT RECIPIENTS THAT IDENTIFY A
4 SPECIFIC SCHOOL OR SCHOOLS THAT WILL BE PRIORITIZED BECAUSE THE
5 SCHOOL HAS, OR SCHOOLS HAVE, FIFTY PERCENT OR MORE STUDENTS
6 ENROLLED WHO ARE ELIGIBLE FOR FREE OR REDUCED-COST LUNCH
7 PURSUANT TO THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL
8 LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

9 (5) Subject to available appropriations, the department shall
10 implement and administer the grant program. ~~and shall award a grant to~~
11 ~~an eligible grant recipient that applies in an amount that is proportionate~~
12 ~~to the numbers of students and restrooms as provided in its application.~~
13 The state board may promulgate rules as necessary to implement the grant
14 program.

15 (5.3) FOR THE 2024-25 STATE FISCAL YEAR, THE GENERAL
16 ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT FOUR HUNDRED
17 THOUSAND DOLLARS FROM THE GENERAL FUND FOR PURPOSES OF THIS
18 SECTION. ANY UNEXPENDED MONEY REMAINING AT THE END OF THE
19 2024-25 STATE FISCAL YEAR FROM THE APPROPRIATION LISTED IN THIS
20 SUBSECTION (5.3):

21 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER
22 FUND;

23 (b) MAY BE USED BY THE DEPARTMENT IN THE 2025-26 OR
24 2026-27 STATE FISCAL YEAR WITHOUT FURTHER APPROPRIATION; AND

25 (c) MUST NOT BE USED FOR ANY PURPOSE OTHER THAN THE
26 PURPOSES SET FORTH IN THIS SECTION.

27 (5.7) THE DEPARTMENT MAY RETAIN NO MORE THAN FIVE PERCENT

1 OF ANY AMOUNT APPROPRIATED FOR THE GRANT PROGRAM TO OFFSET THE
2 ACTUAL ADMINISTRATIVE COSTS INCURRED IN ADMINISTERING THE GRANT
3 PROGRAM.

4 (6) (a) On or before October 1, 2022, and on or before October 1
5 ~~2023~~ EACH YEAR THEREAFTER, each grant recipient shall submit a report
6 to the department. The report must include information concerning the
7 amount of money spent on the acquisition and distribution of menstrual
8 hygiene products and the amount of money spent on the ACQUISITION,
9 installation, and maintenance of a dispensing machine or disposal
10 receptacle for menstrual hygiene products.

11 (b) On or before January 2, 2023, and on or before January 2 ~~2024~~
12 EACH YEAR THEREAFTER, the department shall submit a summarized
13 report of the information received pursuant to subsection (6)(a) of this
14 section to the education committees of the senate and house of
15 representatives, or any successor committees.

16 (c) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
17 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
18 SUBSECTION (6) CONTINUES INDEFINITELY.

19 **SECTION 3. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2024 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.