

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 24-0485.01 Jacob Baus x2173

HOUSE BILL 24-1164

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A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PROVIDE MENSTRUAL 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>.)

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

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.*

SENATE
2nd Reading Unamended
May 6, 2024

HOUSE
3rd Reading Unamended
May 1, 2024

HOUSE
Amended 2nd Reading
April 30, 2024

building.

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 JUNE 30, 2025, A LOCAL EDUCATION
9 PROVIDER SHALL PROVIDE MENSTRUAL PRODUCTS AT NO EXPENSE TO
10 STUDENTS IN AT LEAST TWENTY-FIVE PERCENT OF APPLICABLE STUDENT
11 BATHROOMS IN ALL APPLICABLE SCHOOL BUILDINGS.

12 (II) ON OR BEFORE JUNE 30, 2026, A LOCAL EDUCATION PROVIDER
13 SHALL PROVIDE MENSTRUAL PRODUCTS AT NO EXPENSE TO STUDENTS IN
14 AT LEAST FIFTY PERCENT OF APPLICABLE STUDENT BATHROOMS IN ALL
15 APPLICABLE SCHOOL BUILDINGS.

16 (III) ON OR BEFORE JUNE 30, 2027, A LOCAL EDUCATION PROVIDER
17 SHALL PROVIDE MENSTRUAL PRODUCTS AT NO EXPENSE TO STUDENTS IN
18 AT LEAST SEVENTY-FIVE PERCENT OF APPLICABLE STUDENT BATHROOMS
19 IN ALL APPLICABLE SCHOOL BUILDINGS.

20 (IV) ON OR BEFORE JUNE 30, 2028, A LOCAL EDUCATION
21 PROVIDER; THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND,
22 CREATED AND EXISTING PURSUANT TO SECTION 22-80-102 (1)(a); AND AN
23 APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402, SHALL
24 PROVIDE MENSTRUAL PRODUCTS AT NO EXPENSE TO STUDENTS IN ALL
25 APPLICABLE STUDENT BATHROOMS IN ALL APPLICABLE SCHOOL BUILDINGS.

26 (b) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION TO
27 THE CONTRARY, A LOCAL EDUCATION PROVIDER THAT IS A SMALL RURAL

1 SCHOOL DISTRICT, INCLUDING A CHARTER SCHOOL OF THE SMALL RURAL
2 SCHOOL DISTRICT, OR AN INSTITUTE CHARTER SCHOOL LOCATED WITHIN
3 THE GEOGRAPHIC BOUNDARIES OF A SMALL RURAL SCHOOL DISTRICT IS
4 NOT REQUIRED TO COMPLY WITH SUBSECTION (2)(a)(I), (2)(a)(II), OR
5 (2)(a)(III) OF THIS SECTION.

6 (3) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION, IF AN
7 APPLICABLE SCHOOL BUILDING DOES NOT HAVE A GENDER-NEUTRAL
8 BATHROOM, THE LOCAL EDUCATION PROVIDER, THE COLORADO SCHOOL
9 FOR THE DEAF AND THE BLIND, OR THE APPROVED FACILITY SCHOOL SHALL
10 PROVIDE MENSTRUAL PRODUCTS IN FEMALE-DESIGNATED BATHROOMS
11 AND IN A HEALTH OFFICE LOCATED IN THE APPLICABLE SCHOOL BUILDING
12 THAT IS ACCESSIBLE TO STUDENTS WHO MENSTRUATE; EXCEPT THAT, IF
13 THERE IS NOT A HEALTH OFFICE, THE LOCAL EDUCATION PROVIDER, THE
14 COLORADO SCHOOL FOR THE DEAF AND THE BLIND, OR THE APPROVED
15 FACILITY SCHOOL SHALL PROVIDE THE MENSTRUAL PRODUCTS IN AN
16 ADMINISTRATIVE OFFICE LOCATED IN THE APPLICABLE SCHOOL BUILDING
17 ACCESSIBLE TO STUDENTS WHO MENSTRUATE.

18 (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
19 CONTRARY, IF AN APPLICABLE SCHOOL BUILDING IS USED BY THE LOCAL
20 EDUCATION PROVIDER, THE COLORADO SCHOOL FOR THE DEAF AND THE
21 BLIND, OR THE APPROVED FACILITY SCHOOL TO PROVIDE EDUCATIONAL
22 SERVICES ONLY TO STUDENTS WHO ARE ENROLLED IN KINDERGARTEN
23 THROUGH GRADE SIX, THE LOCAL EDUCATION PROVIDER SHALL PROVIDE
24 MENSTRUAL PRODUCTS BUT MAY PROVIDE MENSTRUAL PRODUCTS IN A
25 HEALTH OFFICE LOCATED IN THE APPLICABLE SCHOOL BUILDING THAT IS
26 ACCESSIBLE TO STUDENTS WHO MENSTRUATE; EXCEPT THAT, IF THERE IS
27 NOT A HEALTH OFFICE, THE LOCAL EDUCATION PROVIDER SHALL PROVIDE

1 THE MENSTRUAL PRODUCTS IN AN ADMINISTRATIVE OFFICE LOCATED IN
2 THE APPLICABLE SCHOOL BUILDING ACCESSIBLE TO STUDENTS WHO
3 MENSTRUATE.

4 (5) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION, IF A
5 LOCAL EDUCATION PROVIDER, THE COLORADO SCHOOL FOR THE DEAF AND
6 THE BLIND, OR AN APPROVED FACILITY SCHOOL IS EXPERIENCING
7 VANDALISM OR DESTRUCTION OF PROPERTY AS A RESULT OF COMPLYING
8 WITH THE REQUIREMENTS OF THIS SECTION, THE LOCAL EDUCATION
9 PROVIDER, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, OR THE
10 APPROVED FACILITY SCHOOL MAY REMOVE THE MENSTRUAL PRODUCTS
11 FROM THE APPLICABLE STUDENT BATHROOM. IF A LOCAL EDUCATION
12 PROVIDER, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, OR AN
13 APPROVED FACILITY SCHOOL REMOVES MENSTRUAL PRODUCTS FROM AN
14 APPLICABLE STUDENT BATHROOM PURSUANT TO THIS SUBSECTION (4), THE
15 LOCAL EDUCATION PROVIDER, THE COLORADO SCHOOL FOR THE DEAF AND
16 THE BLIND, OR THE APPROVED FACILITY SCHOOL SHALL POST INFORMATION
17 IN THE APPLICABLE STUDENT BATHROOM REGARDING WHERE MENSTRUAL
18 PRODUCTS ARE AVAILABLE IN THE APPLICABLE SCHOOL BUILDING.

19 (6) (a) A LOCAL EDUCATION PROVIDER THAT IS REQUIRED TO
20 COMPLY WITH SUBSECTIONS (2)(a)(I), (2)(a)(II), AND (2)(a)(III) OF THIS
21 SECTION SHALL POST INFORMATION IN APPLICABLE SCHOOL BATHROOMS
22 WHERE THERE ARE NOT YET MENSTRUAL PRODUCTS REGARDING WHERE
23 MENSTRUAL PRODUCTS ARE AVAILABLE IN THE APPLICABLE SCHOOL
24 BUILDING.

25 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2030.

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

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

5 (b) "APPLICABLE STUDENT BATHROOM" MEANS A
6 FEMALE-DESIGNATED BATHROOM OR A GENDER-NEUTRAL BATHROOM IN
7 AN APPLICABLE SCHOOL BUILDING THAT IS ACCESSIBLE TO STUDENTS WHO
8 ARE ENROLLED IN ANY OF GRADES SIX THROUGH TWELVE WHO
9 MENSTRUATE.

10 (c) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
11 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
12 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
13 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
14 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED
15 AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT
16 OPERATES ONE OR MORE PUBLIC SCHOOLS.

17 (d) "MENSTRUAL PRODUCTS" MEANS, AT A MINIMUM, TAMPONS
18 AND MENSTRUAL PADS.

19 (e) "SMALL RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT
20 THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON
21 THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
22 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT
23 ENROLLS FEWER THAN ONE THOUSAND TWO HUNDRED STUDENTS IN
24 KINDERGARTEN THROUGH TWELFTH GRADE.

25 **SECTION 2.** In Colorado Revised Statutes, 22-2-147, **amend** (2),
26 (3)(b), (3)(c), and (6); and **add** (3)(d), (5.3), (5.7), (8)(d), and (8)(e) as
27 follows:

1 **22-2-147. Menstrual hygiene products accessibility grant**
2 **program - eligibility - report - rules - definitions.** (2) A grant recipient
3 shall use the award to acquire and distribute menstrual hygiene products
4 at no expense to students or ACQUIRE, install, and maintain a dispensing
5 machine or disposal receptacle for menstrual hygiene products.

6 (3) An eligible grant recipient is:

7

8 (b) The Colorado school for the deaf and the blind, created and
9 existing pursuant to section 22-80-102 (1)(a); ~~or~~

10 (c) An approved facility school, as defined in section 22-2-402
11 (1); OR

12 (d) A RURAL SCHOOL DISTRICT, A SMALL RURAL DISTRICT, A
13 CHARTER SCHOOL OF A RURAL SCHOOL DISTRICT OR A SMALL RURAL
14 DISTRICT, OR AN INSTITUTE CHARTER SCHOOL LOCATED WITHIN THE
15 GEOGRAPHIC BOUNDARIES OF A RURAL SCHOOL DISTRICT OR SMALL RURAL
16 SCHOOL DISTRICT.

17 (5.3) FOR THE 2024-25 STATE FISCAL YEAR, THE GENERAL
18 ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT TWO HUNDRED
19 THOUSAND DOLLARS FROM THE GENERAL FUND FOR PURPOSES OF THIS
20 SECTION.

21 (5.7) THE DEPARTMENT MAY RETAIN NO MORE THAN TEN PERCENT
22 OF THE TOTAL AMOUNT APPROPRIATED PURSUANT TO SUBSECTION (5.3) OF
23 THIS SECTION FOR THE GRANT PROGRAM TO OFFSET THE ACTUAL
24 ADMINISTRATIVE COSTS INCURRED IN ADMINISTERING THE GRANT
25 PROGRAM.

26 (6) (a) On or before October 1, 2022, and on or before October 1
27 ~~2023~~ EACH YEAR THEREAFTER, each grant recipient shall submit a report

1 to the department. The report must include information concerning the
2 amount of money spent on the acquisition and distribution of menstrual
3 hygiene products and the amount of money spent on the ACQUISITION,
4 installation, and maintenance of a dispensing machine or disposal
5 receptacle for menstrual hygiene products.

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

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

14 (8) As used in this section, unless the context otherwise requires:

15 (d) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT THAT
16 THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON THE
17 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
18 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA.

19 (e) "SMALL RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT
20 THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON
21 THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
22 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT
23 ENROLLS FEWER THAN ONE THOUSAND TWO HUNDRED STUDENTS IN
24 KINDERGARTEN THROUGH TWELFTH GRADE.

25 **SECTION 3. Appropriation.** For the 2024-25 state fiscal year,
26 \$100,000 is appropriated to the department of education for use by
27 student pathways. This appropriation is from the general fund and is

1 based on an assumption that the division will require an additional 0.2
2 FTE. To implement this act, the division may use this appropriation for
3 the menstrual hygiene product accessibility grant program.

4 **SECTION 4. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly; except
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V
8 of the state constitution against this act or an item, section, or part of this
9 act within such period, then the act, item, section, or part will not take
10 effect unless approved by the people at the general election to be held in
11 November 2024 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.