

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0385.01 Jacob Baus x2173

HOUSE BILL 20-1131

HOUSE SPONSORSHIP

Titone and Caraveo, Froelich, Kipp, Singer

SENATE SPONSORSHIP

Winter, Danielson

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE MENSTRUAL HYGIENE PRODUCTS

102 ACCESSIBILITY PROGRAM.

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 public health and environment (department) the menstrual hygiene products accessibility grant program (grant program) to provide awards to public schools or school districts in order to provide menstrual hygiene products at no expense to students.

The state board of health is required to promulgate rules necessary for the implementation of the grant program.

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.

The department shall award grants subject to available appropriations, and may seek, accept, and expend gifts, grants, or donations from private or public sources.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 12 to article
3 20.5 of title 25 as follows:

4 **PART 12**

5 **MENSTRUAL HYGIENE PRODUCTS**

6 **ACCESSIBILITY GRANT PROGRAM**

7 **25-20.5-1201. Definitions.** AS USED IN THIS PART 12, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
10 AND ENVIRONMENT CREATED AND EXISTING PURSUANT TO SECTION
11 25-1-102.

12 (2) "GRANT PROGRAM" MEANS THE MENSTRUAL HYGIENE
13 PRODUCTS ACCESSIBILITY GRANT PROGRAM CREATED AND EXISTING
14 PURSUANT TO SECTION 25-20.5-1202.

15 (3) "MENSTRUAL HYGIENE PRODUCTS" MEANS TAMPONS,
16 MENSTRUAL PADS, AND PANTILINERS.

17 (4) "PUBLIC SCHOOL" HAS THE SAME MEANING AS PROVIDED IN
18 SECTION 22-1-101 AND INCLUDES A CHARTER SCHOOL AUTHORIZED BY A
19 SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22 OR BY
20 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
21 30.5 OF TITLE 22.

22 (5) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT AUTHORIZED
23 BY SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION AND
24 ORGANIZED PURSUANT TO ARTICLE 30 OF TITLE 22. "SCHOOL DISTRICT"

1 ALSO INCLUDES A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT
2 TO ARTICLE 5 OF TITLE 22, IF IT IS OPERATING A PUBLIC SCHOOL.

3 **25-20.5-1202. Menstrual hygiene products accessibility grant**
4 **program - created - administration - rules.** (1) THERE IS HEREBY
5 CREATED IN THE DEPARTMENT THE MENSTRUAL HYGIENE PRODUCTS
6 ACCESSIBILITY GRANT PROGRAM IN ORDER TO PROVIDE MENSTRUAL
7 HYGIENE PRODUCTS AT NO EXPENSE TO STUDENTS IN MIDDLE SCHOOL,
8 JUNIOR HIGH SCHOOL, OR HIGH SCHOOL.

9 (2) A GRANT RECIPIENT SHALL USE THE AWARD FOR THE
10 FOLLOWING PURPOSES:

11 (a) ACQUISITION AND DISTRIBUTION OF MENSTRUAL HYGIENE
12 PRODUCTS; OR

13 (b) INSTALLATION AND MAINTENANCE OF A DISPENSING MACHINE
14 OR DISPOSAL RECEPTACLE FOR MENSTRUAL HYGIENE PRODUCTS.

15 (3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM
16 AND SHALL AWARD GRANTS AS PROVIDED IN THIS PART 12. GRANTS ARE
17 PAID OUT OF MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM
18 AND GIFTS, GRANTS, AND DONATIONS FOR THE GRANT PROGRAM, AS
19 PROVIDED IN SECTION 25-20.5-1205.

20 (4) THE DEPARTMENT SHALL IMPLEMENT THE GRANT PROGRAM IN
21 ACCORDANCE WITH THIS PART 12. THE DEPARTMENT SHALL PROMULGATE
22 RULES AS ARE REQUIRED IN THIS SUBSECTION (4) AND SUCH ADDITIONAL
23 RULES AS MAY BE NECESSARY TO IMPLEMENT THE GRANT PROGRAM. AT
24 A MINIMUM, THE RULES MUST SPECIFY THE TIME FRAMES FOR APPLYING
25 FOR A GRANT, DISTRIBUTING AWARDS, AND THE FORM OF THE GRANT
26 PROGRAM APPLICATION.

27 **25-20.5-1203. Menstrual hygiene products accessibility grant**

1 **program - application - criteria - awards.** (1) TO RECEIVE A GRANT, A
2 PUBLIC SCHOOL OR SCHOOL DISTRICT MUST SUBMIT AN APPLICATION TO
3 THE DEPARTMENT IN ACCORDANCE WITH RULES PROMULGATED BY THE
4 DEPARTMENT. AT A MINIMUM, THE APPLICATION MUST INCLUDE THE
5 FOLLOWING INFORMATION:

6 (a) THE TOTAL NUMBER OF STUDENTS WHO ARE ENROLLED IN THE
7 PUBLIC SCHOOL OR SCHOOL DISTRICT;

8 (b) WHETHER THE PUBLIC SCHOOL OR A PUBLIC SCHOOL WITHIN
9 THE SCHOOL DISTRICT IS ELIGIBLE TO RECEIVE FUNDING PURSUANT TO
10 TITLE I OF THE FEDERAL "EVERY STUDENT SUCCEEDS ACT", 20 U.S.C.
11 SEC. 6301 ET SEQ.;

12 (c) THE TOTAL NUMBER OF RESTROOMS ON THE PUBLIC SCHOOL'S
13 OR SCHOOL DISTRICT'S PROPERTY THAT ARE ACCESSIBLE TO STUDENTS,
14 AND THE TOTAL NUMBER OF GENDER-NEUTRAL RESTROOMS ON THE PUBLIC
15 SCHOOL'S OR SCHOOL DISTRICT'S PROPERTY THAT ARE ACCESSIBLE TO
16 STUDENTS; AND

17 (d) WHETHER THE PUBLIC SCHOOL OR SCHOOL DISTRICT
18 CURRENTLY PROVIDES MENSTRUAL HYGIENE PRODUCTS, AND IF SO, A
19 DESCRIPTION OF HOW AND WHERE IT DISTRIBUTES MENSTRUAL HYGIENE
20 PRODUCTS, HOW IT FUNDS THE PROVISION OF MENSTRUAL HYGIENE
21 PRODUCTS, AND WHETHER IT PROVIDES MENSTRUAL HYGIENE PRODUCTS
22 AT NO EXPENSE OR FOR AN EXPENSE.

23 (2) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED
24 PURSUANT TO THIS SECTION. IN AWARDING GRANTS, THE DEPARTMENT
25 SHALL GIVE PRIORITY TO A PUBLIC SCHOOL OR SCHOOL DISTRICT THAT:

26 (a) PROPOSES USING THE GRANT AWARD TO SERVE HIGH SCHOOL
27 STUDENTS BEFORE GIVING PRIORITY TO A PUBLIC SCHOOL OR SCHOOL

1 DISTRICT THAT SERVES JUNIOR HIGH SCHOOL OR MIDDLE SCHOOL
2 STUDENTS;

3 (b) IS ELIGIBLE TO RECEIVE FUNDING PURSUANT TO TITLE I OF THE
4 FEDERAL "EVERY STUDENT SUCCEEDS ACT", 20 U.S.C. SEC. 6301 ET SEQ.;

5 (c) PROVIDES NO OR FEW MENSTRUAL HYGIENE PRODUCTS TO ITS
6 STUDENTS; OR

7 (d) PROPOSES TO MAKE MENSTRUAL HYGIENE PRODUCTS
8 ACCESSIBLE IN A GENDER-NEUTRAL RESTROOM, OR IF THERE IS NOT A
9 GENDER-NEUTRAL RESTROOM ACCESSIBLE TO STUDENTS ON THE PUBLIC
10 SCHOOL'S OR SCHOOL DISTRICT'S PROPERTY, PROPOSES ACCOMMODATIONS
11 TO MAKE MENSTRUAL HYGIENE PRODUCTS ACCESSIBLE TO A STUDENT
12 REGARDLESS OF THE STUDENT'S GENDER IDENTITY.

13 **25-20.5-1204. Reporting requirements.** (1) ON OR BEFORE
14 OCTOBER 1, 2021, AND ON OR BEFORE OCTOBER 1, 2022, EACH PUBLIC
15 SCHOOL OR SCHOOL DISTRICT THAT RECEIVED A GRANT THROUGH THE
16 GRANT PROGRAM SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT A
17 MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

18 (a) THE PORTION OF THE GRANT AWARD SPENT ON THE
19 ACQUISITION AND DISTRIBUTION OF MENSTRUAL HYGIENE PRODUCTS;

20 (b) THE PORTION OF THE GRANT AWARD SPENT ON THE
21 INSTALLATION AND MAINTENANCE OF A DISPENSING MACHINE OR
22 DISPOSAL RECEPTACLE FOR MENSTRUAL HYGIENE PRODUCTS; AND

23 (c) A DESCRIPTION OF HOW AND WHERE THE GRANT RECIPIENT
24 DISTRIBUTES MENSTRUAL HYGIENE PRODUCTS, INCLUDING WHETHER IT
25 MAKES MENSTRUAL HYGIENE PRODUCTS ACCESSIBLE IN A
26 GENDER-NEUTRAL RESTROOM, OR IF THERE IS NOT A GENDER-NEUTRAL
27 RESTROOM ACCESSIBLE TO STUDENTS ON THE PUBLIC SCHOOL'S OR SCHOOL

1 DISTRICT'S PROPERTY, HOW IT MAKES MENSTRUAL HYGIENE PRODUCTS
2 ACCESSIBLE TO A STUDENT REGARDLESS OF THE STUDENT'S GENDER
3 IDENTITY.

4 (2) ON OR BEFORE JANUARY 1, 2022, AND ON OR BEFORE JANUARY
5 1, 2023, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT ON THE
6 GRANT PROGRAM TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF
7 THE SENATE AND THE HEALTH AND INSURANCE COMMITTEE OF THE HOUSE
8 OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. AT A MINIMUM,
9 THE REPORT MUST SUMMARIZE THE INFORMATION RECEIVED BY THE
10 DEPARTMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE
11 DEPARTMENT SHALL ALSO POST THE REPORT TO ITS WEBSITE.

12 **25-20.5-1205. Funding for grant program.** (1) THE GENERAL
13 ASSEMBLY SHALL ANNUALLY APPROPRIATE MONEY FROM THE GENERAL
14 FUND TO THE DEPARTMENT TO IMPLEMENT THE GRANT PROGRAM FOR
15 FISCAL YEARS 2020-21 AND 2021-22.

16 (2) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
17 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
18 PURPOSES OF THIS PART 12.

19 **25-20.5-1206. Repeal of part.** THIS PART 12 IS REPEALED,
20 EFFECTIVE JULY 1, 2023.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.