A BILL FOR AN ACT

CONCERNING THE CREATION OF THE MENSTRUAL HYGIENE PRODUCTS 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.
The department shall award grants subject to available appropriations, and may seek, accept, and expend gifts, grants, or donations from private or public sources.

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

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

PART 12
MENSTRUAL HYGIENE PRODUCTS
ACCESSIBILITY GRANT PROGRAM

25-20.5-1201. Definitions. As used in this part 12, unless the context otherwise requires:
(1) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT CREATED AND EXISTING PURSUANT TO SECTION 25-1-102.
(2) "GRANT PROGRAM" MEANS THE MENSTRUAL HYGIENE PRODUCTS ACCESSIBILITY GRANT PROGRAM CREATED AND EXISTING PURSUANT TO SECTION 25-20.5-1202.
(3) "MENSTRUAL HYGIENE PRODUCTS" MEANS TAMpons, MENSTRUAL PADS, AND PANTILINERS.
(4) "PUBLIC SCHOOL" HAS THE SAME MEANING AS PROVIDED IN SECTION 22-1-101 AND INCLUDES A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22 OR BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22.
(5) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT AUTHORIZED BY SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION AND ORGANIZED PURSUANT TO ARTICLE 30 OF TITLE 22. "SCHOOL DISTRICT"
ALSO INCLUDES A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF TITLE 22, IF IT IS OPERATING A PUBLIC SCHOOL.

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

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

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

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

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

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

25-20.5-1203. Menstrual hygiene products accessibility grant
program - application - criteria - awards. (1) To receive a grant, a public school or school district must submit an application to the department in accordance with rules promulgated by the department. At a minimum, the application must include the following information:

(a) The total number of students who are enrolled in the public school or school district;

(b) Whether the public school or a public school within the school district is eligible to receive funding pursuant to Title I of the federal "Every Student Succeeds Act", 20 U.S.C. sec. 6301 et seq.;

(c) The total number of restrooms on the public school's or school district's property that are accessible to students, and the total number of gender-neutral restrooms on the public school's or school district's property that are accessible to students; and

(d) Whether the public school or school district currently provides menstrual hygiene products, and if so, a description of how and where it distributes menstrual hygiene products, how it funds the provision of menstrual hygiene products, and whether it provides menstrual hygiene products at no expense or for an expense.

(2) The department shall review the applications received pursuant to this section. In awarding grants, the department shall give priority to a public school or school district that:

(a) Proposes using the grant award to serve high school students before giving priority to a public school or school district that:
DISTRICT THAT SERVES JUNIOR HIGH SCHOOL OR MIDDLE SCHOOL STUDENTS;

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

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

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

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

(a) The portion of the grant award spent on the acquisition and distribution of menstrual hygiene products;

(b) The portion of the grant award spent on the installation and maintenance of a dispensing machine or disposal receptacle for menstrual hygiene products; AND

(c) A description of how and where the grant recipient distributes menstrual hygiene products, including whether it makes menstrual hygiene products accessible in a gender-neutral restroom, or if there is not a gender-neutral restroom accessible to students on the public school's or school
DISTRICT'S PROPERTY, HOW IT MAKES MENSTRUAL HYGIENE PRODUCTS ACCESSIBLE TO A STUDENT REGARDLESS OF THE STUDENT'S GENDER IDENTITY.

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

25-20.5-1205. Funding for grant program. (1) The general assembly shall annually appropriate money from the general fund to the department to implement the grant program for fiscal years 2020-21 and 2021-22.

(2) The department may seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of this part 12.

25-20.5-1206. Repeal of part. This part 12 is repealed, effective July 1, 2023.

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