SB 209 - AS AMENDED BY THE SENATE

03/09/2023 0654s

2023 SESSION

23-1016
04/08

SENATE BILL ***209***

AN ACT relative to providing menstrual hygiene products at no cost to individuals who biologically menstruate in state and county correctional facilities.

SPONSORS: Sen. Whitley, Dist 15; Sen. Prentiss, Dist 5; Sen. Chandley, Dist 11; Sen. Perkins Kwoka, Dist 21; Sen. D'Allesandro, Dist 20; Sen. Rosenwald, Dist 13; Sen. Altschiller, Dist 24; Sen. Fenton, Dist 10; Sen. Watters, Dist 4; Sen. Soucy, Dist 18; Rep. Simpson, Rock. 33; Rep. Read, Rock. 10; Rep. Harriott-Gathright, Hills. 10

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires menstrual hygiene products to be provided at no cost to individuals in state and county correctional facilities who biologically menstruate.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
03/09/2023 0654s 23-1016
04/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to providing menstrual hygiene products at no cost to individuals who biologically menstruate in state and county correctional facilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subdivision; County Departments of Correction; Care and Custody of Individuals Who Biologically Menstruate. Amend RSA 30-B by inserting after section 26 the following new subdivision:

Care and Custody of Individuals Who Biologically Menstruate

30-B:27 Provision of Menstrual Hygiene Products. The superintendent of each county correctional facility shall provide sufficient menstrual hygiene products to individuals who are in the custody of the county who biologically menstruate, at no cost to such persons. Sufficiency shall be considered, at minimum, a combination of 20 standard issue menstrual hygiene products per individual's menstrual cycle. An individual may request additional menstrual hygiene products based exclusively on their cycle at no cost at the discretion of the superintendent. The number of menstrual hygiene products kept in a cell shall not be excessive so as not to create safety or security issues and shall only be used for the intended purpose. As used in this section, "menstrual hygiene products" means tampons, menstrual pads, sanitary napkins, and pantiliner.

2 New Section; Care and Custody of Female Convicts; Provision of Menstrual Hygiene Products. Amend RSA 622 by inserting after section 37 the following new section:

622:37-a Provision of Menstrual Hygiene Products. The superintendent of each county correctional facility and any facility listed in RSA 169-B:14, I(c) or (e) shall provide sufficient menstrual hygiene products to individuals who are in the custody of the state who biologically menstruate, at no cost to such persons. Sufficiency shall be considered, at minimum, a combination of 20 standard issue menstrual hygiene products per individual's menstrual cycle. An individual may request additional menstrual hygiene products based exclusively on their cycle at no cost at the discretion of the commissioner, or designee. The number of menstrual hygiene products kept in a cell shall not be excessive so as not to create safety or security issues and shall only be used for the intended purpose. As used in this section, "menstrual hygiene products" means tampons, menstrual pads, sanitary napkins, and pantiliners.

3 Effective Date. This act shall take effect August 1, 2023.

REGULAR CALENDAR

March 30, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Criminal Justice and Public Safety to which was referred SB 209, relative to providing menstrual hygiene products at no cost to individuals who biologically menstruate in state and county correctional facilities.

WITHOUT RECOMMENDATION

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Criminal Justice and Public Safety**
Bill Number:	**SB 209**
Title:	**relative to providing menstrual hygiene products at no cost to individuals who biologically menstruate in state and county correctional facilities.**
Date:	**March 30, 2023**
Consent Calendar:	**Regular Calendar**
Recommendation:	**WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill is similar to HB 421, which has already passed in the House. It would support basic human dignity for women by requiring all county and state correctional facilities to provide menstruation hygiene products to all female inmates that menstruate, at no cost to the inmate. While this is already being done in the state correctional system, at the county level the committee heard stories of women not being provided with a sufficient supply and being forced to use toilet paper and other ineffective and unsanitary methods to deal with their menstruation. Unlike the House bill, this bill would also include juvenile detention facilities and defines sufficiency, at minimum, as 20 standard issue menstrual hygiene products per individual's menstrual cycle.

Amendment:

Rep. David Meuse

Statement in support of Inexpedient to Legislate: Half of the committee believes that this bill should be found inexpedient to legislate, because there is already a House sponsored version of this bill that accomplishes more than this bill does. This version would require significant amending to make it as thorough as the version that unanimously passed out of committee and, with bipartisan support, on the House floor. Passing duplicate legislation is unnecessary, and ignores the significant work of the House members who conceived the bill, the subcommittee members who worked with the stakeholders to hone it, and the entire House who debated and decided it was worthy of becoming law.

Amendment:

Rep. Jennifer Rhodes

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

SB 209, relative to providing menstrual hygiene products at no cost to individuals who biologically menstruate in state and county correctional facilities. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill is similar to HB 421, which has already passed in the House. It would support basic human dignity for women by requiring all county and state correctional facilities to provide menstruation hygiene products to all female inmates that menstruate, at no cost to the inmate. While this is already being done in the state correctional system, at the county level the committee heard stories of women not being provided with a sufficient supply and being forced to use toilet paper and other ineffective and unsanitary methods to deal with their menstruation. Unlike the House bill, this bill would also include juvenile detention facilities and defines sufficiency, at minimum, as 20 standard issue menstrual hygiene products per individual's menstrual cycle.

Rep. David Meuse

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Rep. Jennifer Rhodes

Original: House Clerk

Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: SB 209 Date: 3/29/23

Committee: Criminal Justice and Public Safety

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON SB 209

BILL TITLE: **relative to providing menstrual hygiene products at no cost to individuals who biologically menstruate in state and county correctional facilities.**

DATE: **March 29, 2023**

LOB ROOM: **202-204** **Time Public Hearing Called to Order:** **1:45 p.m.**

Time Adjourned: **2:08 p.m.**

Committee Members: Reps. Roy, Rhodes, A. Murray, Pratt, Proulx, Janvrin, D. Mannion, Reid, Stone, Tenczar, Meuse, Bouldin, Bradley, N. Murphy, R. Newman, Newell, Selig and Wheeler

Bill Sponsors:

Sen. Whitley	**Sen. Prentiss**	**Sen. Chandley**
Sen. Perkins Kwoka	**Sen. D'Allesandro**	**Sen. Rosenwald**
Sen. Altschiller	**Sen. Fenton**	**Sen. Watters**
Sen. Soucy	**Rep. Simpson**	**Rep. Read**
Rep. Harriott-Gathright		

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Senator Becky Whitley introduces her bill

- Senator Whitley gives an overview of the bill's history and her work with advocates and the commissioner of the DoC. Menstruation is something that affects people in different ways and therefore different inmates will have different needs.
- The differences between the house version and senate version are not many but the senate version includes juvenile detention centers and also names a specific number for a minimum amount of menstrual products at 20. There are also different definitions of menstrual products in the bills, and the house version includes underwear.

Tony Sculunebrene, lawyer in Nashua

- Supports the bill
- Using the word "reasonable" vs "actual" could invite litigation

Devan Quinn, Policy Director of NH Women's Foundation

- Supports the bill
- Handout includes the three differences between the senate and house bill versions

Commissioner Helen Hanks

- Supports the bill
- Line 16 says superintendent instead of warden or director, small mistake that should be corrected.

- Naming a specific number of products will ensure there aren't arbitrary limits put in place that can be exploited by inmates or correction officers

Respectfully submitted,

Rep. Alissandra Murray, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill SB209 on 2023-03-29

Support: 100 Oppose: 4 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Smith, Hayden	Hanover, NH hayden@nhyouthmovement.org	A Lobbyist	New Hampshire Youth Movement	Support	No	No	3/23/2023 10:02 PM
Sajeev, Narayan	Nashua, NH narayansajeev1@gmail.com	A Member of the Public	Myself	Support	No	No	3/24/2023 12:02 PM
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	3/24/2023 7:43 PM
Fogarty, Maggie	Dover, NH mfogarty@afsc.org	A Lobbyist	American Friends Service Committee - NH Program	Support	No	No	3/24/2023 7:44 PM
LaBombard, Jone	Hollis, NH jlabombard@gmail.com	A Member of the Public	Myself	Support	No	No	3/25/2023 4:49 AM
Chickering, Frances	Dover, NH fchickering1@gmail.com	A Member of the Public	Myself	Support	No	No	3/25/2023 6:16 AM
Podlipny, Ann	chester, NH apodlipny57@comcast.net	A Member of the Public	Myself	Support	No	No	3/25/2023 6:42 AM
King, Jordan	Milford, NH jordan.king@outlook.com	A Member of the Public	Myself	Support	No	No	3/25/2023 6:58 AM
Mayne, Sam	Lancaster, NH sam.mayne11@gmail.com	A Member of the Public	Myself	Support	No	No	3/25/2023 8:18 AM
Ingalls, Helen	Sandwich, NH Ingalls20007@icloud.com	A Member of the Public	Myself	Support	No	No	3/25/2023 8:34 AM
Caudill Slosberg, Margaret	Hanover, NH margaretcs08@gmail.com	A Member of the Public	Myself	Support	No	No	3/25/2023 8:36 AM
Fagin, Valerie	Rye, NH Valeriefagin@comcast.net	A Member of the Public	Myself	Support	No	No	3/25/2023 9:20 AM
Morrison, Carol	W. Lebanon, NH carol.r.morrison917@gmail.com	A Member of the Public	Myself	Support	No	No	3/25/2023 10:02 AM

Baker, Deb	Concord, NH deborahba@yahoo.com	A Member of the Public	Myself	Support	No	No	3/25/2023 11:00 AM
Burk-McCoy, Lisa	Exeter, NH lburkmccoy@gmail.com	A Member of the Public	Myself	Support	No	No	3/25/2023 11:59 AM
Pugh, Barbara	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Support	No	No	3/25/2023 1:09 PM
Bergevin, Leslie	Loudon, NH Leslie.bergevin@gmail.com	A Member of the Public	Myself	Support	No	No	3/25/2023 1:23 PM
Grossi, Anne	Bedford, NH adgrossi7982@gmail.com	A Member of the Public	Myself	Support	No	No	3/25/2023 2:49 PM
Foley, Mary Ellen	Manchester, NH mefrsm@comcast.net	A Member of the Public	Myself	Support	No	No	3/25/2023 4:41 PM
BURLINGAME, TERRY	GILMANTON IRON WORKS, NH mexicananh@gmail.com	A Member of the Public	Myself	Support	No	No	3/25/2023 5:03 PM
Antonucci, Amy	Barrington, NH amyla226@gmail.com	A Member of the Public	Myself	Support	No	No	3/25/2023 6:44 PM
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Support	No	No	3/25/2023 7:20 PM
Rhoades, Charles	Dover, NH chuckrhoades@comcast.net	A Member of the Public	Myself	Support	No	No	3/25/2023 7:56 PM
Jones, Gisela	Lebanon, NH Gisela1142@gmail.com	A Member of the Public	Myself	Support	No	No	3/25/2023 10:15 PM
Heath, Ruth	Canterbury, NH ruthmheath@comcast.net	A Member of the Public	Myself	Support	No	No	3/25/2023 11:15 PM
kisch, walter	warner, NH kischwalterf@yahoo.com	A Member of the Public	Myself	Oppose	No	No	3/26/2023 7:44 AM
Phillips, Betsey	Bethlehem, NH bphill36@gmail.com	A Member of the Public	Myself	Support	No	No	3/26/2023 11:06 AM
Joyce, Ellen	Meriden, NH ejoyce1961@gmail.com	A Member of the Public	Myself	Support	No	No	3/26/2023 11:32 AM
Lowen, Rosalind	Lincoln, NH Roz.lowen@gmail.com	A Member of the Public	Myself	Support	No	No	3/26/2023 12:48 PM
Moccia, Lianne	LEBANON, NH lianne.moccia@gmail.com	A Member of the Public	Myself	Support	No	No	3/26/2023 3:14 PM
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No	3/26/2023 4:43 PM

Evans, Anne	Hanover, NH anne.m.evans4@gmail.com	A Member of the Public	Myself	Support	No	No	3/26/2023 6:18 PM
Black, William	Hanover, NH billblacknh@gmail.com	A Member of the Public	Myself	Support	No	No	3/26/2023 7:42 PM
Dickler, Jeffrey	Rindge, NH gsgstriker@aol.com	A Member of the Public	Myself	Support	No	No	3/26/2023 8:37 PM
House, Alice	Durham, NH ahouse2112@gmail.com	A Member of the Public	Myself	Support	No	No	3/26/2023 8:44 PM
Allen, Mary Grace	Dover, NH marygracekatherine@gmail.com	A Member of the Public	Myself	Support	No	No	3/26/2023 8:52 PM
Manion, Alicia	Somersworth, NH marygracekatherine@gmail.com	A Member of the Public	Myself	Support	No	No	3/26/2023 8:55 PM
Liebowitz, susan	Plainfield, NH supawali@hotmail.com	A Member of the Public	Myself	Support	No	No	3/26/2023 9:54 PM
Spencer, Louise	Concord, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Support	No	No	3/26/2023 10:37 PM
Spencer, Rob	Concord, NH rfspencer@aol.com	A Member of the Public	Myself	Support	No	No	3/27/2023 12:50 AM
Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Support	No	No	3/27/2023 6:15 AM
Pidgeon, Dawna	Enfield, NH dawna.pidgeon@comcast.net	A Member of the Public	Myself	Support	No	No	3/27/2023 6:22 AM
Reed, Barbara	N. Swanzey, NH BDReed74@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 7:15 AM
Dewey, Karen	Newport, NH pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	3/27/2023 7:37 AM
Geary, Fiona	Atkinson, NH fionamaegeary@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 9:21 AM
Jernstedt, Margaret	Hanover, NH Margaret.Jernstedt@comcast.net	A Member of the Public	Myself	Support	No	No	3/27/2023 9:50 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	3/27/2023 10:30 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No	3/27/2023 10:35 AM
Doughty, Patrick	Bethlehem, NH patrickdoughty@roadrunner.com	A Member of the Public	Myself	Oppose	No	No	3/27/2023 11:09 AM

Nixon, Sherrill	Exeter, NH sherri.nixon1@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 11:15 AM
Demers, Haley	Portsmouth, NH hmdemers@comcast.net	A Member of the Public	Myself	Support	No	No	3/27/2023 11:26 AM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 12:04 PM
Wessels, Susan	RINDGE, NH slwessels2010@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 1:16 PM
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 2:21 PM
Merlone, Lynn	Rindge, NH prulone@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 3:03 PM
Bissex, Hannah	Rindge, NH berardi.h@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 3:03 PM
Thomas, Anne	Rindge, NH annethomasjazz@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 3:03 PM
Hershey, Jane	Rindge, NH janelhershey@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 3:03 PM
Eltringham, Daniel	Dover, NH daneltringham@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 3:17 PM
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 3:38 PM
Martin, Patricia	Rindge, NH pmartin2894@yahoo.com	A Member of the Public	Myself	Support	No	No	3/27/2023 3:44 PM
Schuman, Diana	Dover, NH deeschu@comcast.net	A Member of the Public	Myself	Support	No	No	3/27/2023 4:58 PM
Straiton, Marie	Pembroke, NH m.straiton@comcast.net	A Member of the Public	Myself	Support	No	No	3/27/2023 5:13 PM
Satterfield, Peter	Pembroke, NH psatterfield@comcast.net	A Member of the Public	Myself	Support	No	No	3/27/2023 5:14 PM
Affeldt, Rosemary	Enfield, NH rosemary.affeldt@comcast.net	A Member of the Public	Myself	Support	No	No	3/27/2023 5:33 PM
Peguero, Jamila	Manchester, NH jamila.peguero@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 6:25 PM
Mercer, Jennifer	Loudon, NH jenannmercer@gmail.com	A Member of the Public	Myself	Oppose	No	No	3/27/2023 8:01 PM

Walker, Deborah	Meredith, NH deb.publichealth@gmail.com	A Member of the Public	Myself	Support	No	No	3/27/2023 9:23 PM
Holt, David	Somersworth, NH davholt@aol.com	A Member of the Public	Myself	Support	No	No	3/27/2023 9:53 PM
O'Neill, Jaime	Manchester, NH oneillje07@comcast.net	A Member of the Public	Myself	Support	No	No	3/28/2023 1:04 AM
ellermann, maureen	concord, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No	3/28/2023 5:43 AM
Montminy, Sandra	Portsmouth, NH s-l-robinson@hotmail.com	A Member of the Public	Myself	Support	No	No	3/28/2023 7:01 AM
Morgan, Alexandra	Lyme, NH allie.morgan.med@dartmouth.edu	A Member of the Public	Myself	Support	No	No	3/28/2023 7:10 AM
Braga, Julie	Hanover, NH julie.alane@gmail.com	A Member of the Public	Myself	Support	No	Yes	3/28/2023 7:39 AM
Baker, Emily	Enfield, NH 1617ebaker@gmail.com	A Member of the Public	Myself	Support	No	No	3/28/2023 9:29 AM
Bennett, Muriel	Durham, NH mcb1094@unh.edu	A Member of the Public	Myself	Support	No	No	3/28/2023 10:32 AM
Rosenwald, Cindy	Nashua, NH cindy.rosenwald@leg.state.nh.us	An Elected Official	SD 13	Support	No	No	3/28/2023 10:40 AM
Toland, Maris	Lebanon, NH mktoland@gmail.com	A Member of the Public	Myself	Support	No	No	3/28/2023 10:44 AM
Watters, David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/28/2023 11:09 AM
Perkins Kwoka, Rebecca	Portsmouth, NH rebecca.perkinskwoka@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/28/2023 11:19 AM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No	3/28/2023 11:37 AM
Ulrich, Micah	Lebanon, NH micah.c.ulrich@hitchcock.org	A Member of the Public	Myself	Support	No	No	3/28/2023 11:45 AM
Brennan, Arthur	Weare, NH arete201314@gmail.com	A Member of the Public	Myself	Support	No	No	3/28/2023 11:51 AM
Brennan, Jane	Weare, NH janelb@gsinet.net	A Member of the Public	Myself	Support	No	No	3/28/2023 11:52 AM
Cote, Lois	Manchester, NH lcote06@outlook.com	A Member of the Public	Myself	Support	No	No	3/28/2023 12:40 PM

Arnold, Neil	Marlborough, NH krisarn@myfairpoint.net	A Member of the Public	Myself	Support	No	No	3/28/2023 12:42 PM
Wilke, Mary	CONCORD, NH wilke.mary@gmail.com	A Member of the Public	Myself	Support	No	No	3/28/2023 1:41 PM
hatch, sally	concord, NH sallyhatch@comcast.net	A Member of the Public	Myself	Support	No	No	3/28/2023 1:42 PM
Upson, Kathy	Brentwood, NH upsonkm@comcast.net	A Member of the Public	Myself	Support	No	No	3/28/2023 1:50 PM
Coon, Katharine	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Support	No	No	3/28/2023 4:34 PM
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	No	3/28/2023 5:05 PM
DeMark, Harriet	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	No	3/28/2023 5:05 PM
Willing, Maura	Concord, NH Maura.Willing@Comcast.net	A Member of the Public	Myself	Support	No	No	3/28/2023 7:06 PM
Dearborn, Lindsay	Lebanon, NH lindsaydear@me.com	A Member of the Public	Myself	Support	No	No	3/28/2023 8:37 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	3/28/2023 10:06 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	3/28/2023 10:42 PM
Lamphier, Regan	Nashua, NH reganburkelamphier@gmail.com	An Elected Official	Myself	Support	No	No	3/29/2023 8:36 AM
Badylak, Kathryn L	PLYMOUTH, NH kbgr1555@gmail.com	A Member of the Public	Myself	Support	No	No	3/29/2023 9:15 AM
Fenton (SD 10), Senator Donovan	Keene, NH donovan.fenton@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/29/2023 9:22 AM
Bolton, William	Plymouth, NH Bill.Bolton@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/29/2023 9:47 AM
Altschiller, Senator Debra	SD24, NH kevin.condict@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/29/2023 12:22 PM
Lee, Amy	Lebanon, NH Amy.Louise.Lee@Hitchcock.org	A Member of the Public	Myself	Support	No	No	3/29/2023 1:31 PM
Harlow, Stephani	Lebanon, NH stephanie.alexis.harlow@gmail.com	A Member of the Public	Myself	Support	No	No	3/29/2023 7:26 PM

Istel, Claudia	Acworth, NH cistel79@gmail.com	A Member of the Public	Myself	Support	No	No	3/29/2023 11:15 PM

Narayan Sajeev

I am writing in strong support of the proposed bill to provide good menstrual hygiene products to individuals who are biologically menstruate and are in the custody of the county or state. This bill is an important step towards ensuring that individuals who menstruate have access to basic hygiene necessities while in custody.

The provision of menstrual hygiene products at no cost to such persons is a fundamental human right and a matter of dignity. The minimum standard of 20 standard-issue menstrual hygiene products per individual's menstrual cycle, with the ability to request additional products based on their cycle at no cost, ensures that individuals have access to adequate supplies.

Furthermore, the stipulation that the number of menstrual hygiene products kept in a cell shall not be excessive so as not to create safety or security issues and shall only be used for their intended purpose ensures that these products are used appropriately.

In conclusion, I strongly urge you to support this bill and ensure that menstruate individuals have access to basic hygiene necessities while in custody. Thank you for your consideration.

Charles Rhoades

It is the humane thing to do!

Rosalind Lowen

Provide menstrual roducts to all who need them free..

Daniel Eltringham

I am writing to express my support and approval as this bill moves forward. If any person is imprisoned, it becomes the moral responsibility of the entity imprisoning them to provide for their needs. Menstrual products are a hygiene and health need and charging imprisoned people for these products creates situations where some prisoners will be denied.

This bill is necessary so that can not happen!

Emily Baker

Honorable members of the House and Committee for Criminal Justice and Safety,

I am writing in support of the bill to provide menstrual hygiene products free of charge to women in the criminal justice system. I have to say that I am shocked that this has to come to legislation. It is unconscionable not to provide these to this impoverished population whose wellbeing is determined by the resources of the State. Menstrual products are expensive. There is great shame and embarrassment of having soiled clothing. Not providing products is an abuse of power.

Emily R. Baker
Enfield NH citizen

Maris Toland

It is a basic human right to have access to menstrual products.

Kathryn L Badylak

As a woman,nurse and mother of 3 daughters I am very aware of the dignity at stake if a person is unable to privately manage their bodily functions. Menstrual products should be considered as necessary as toilet paper.Please pass this bill.

Stephani Harlow

Menstrual hygiene products should be provided at no cost for incarcerated individuals. Something as basic as toilet paper that allows individuals to maintain basic human hygiene is clearly a basic human right.

Ophelia Burnett's SB 209 Testimony

Good morning members of the the committee. Thank you for taking my testimony. My name is Ophelia Burnett. I am the Healing Justice Organizer with American Friends Service committee. Im also a directly impacted individual. So, I advocate both for individuals that are currently and formerly incarcerated as well. I am here to speak on behalf of SB 209.

When woman don't have access to feminine hygiene products, they are forced to use products longer than intended. Or attempt to make products with materials that are available to them. In addition to being unsanitary, this leads to several physical health risks, including toxic shock syndrome (Toxic shock syndrome is a rare but life-threatening condition caused by bacteria getting into the body and releasing harmful toxins), infections, all of which can ultimately lead to infertility. Lack of access to Feminine hygiene products has also been linked to mental health issues.

In 2019 US Senators and Representatives reintroduced a bill called the Dignity For incarcerated woman Act. Which refers to the need of improved conditions for incarcerated woman. Rep. Jipal pointed out that the act, among other things. "Will ensure that mothers would not have to choose between calling their loved ones or buying a tampon"

So why are we sitting here today?
Melissa, a formerly incarcerated woman, recalls getting only "giant-sized pads that felt like diapers" at Carroll County Jail. She was never provided with tampons. The underwear she was issued were stained with urine and blood. During her time at the Women's Prison, while working in the Property Department, she was part of discussions to recycle underwear and worked to sort through used underwear to find "the good ones."

Anjelica, a currently incarcerated female noted that during her stay at Belknap County Jail, there were times when she did not have enough pads and tampons. Furthermore, she was issued used underwear which contained blood stains from other women.

Tanya McCormack echoed the reality in Carroll County Jail stating that she never got tampons and was subjected to wearing stained underwear and sleeping on dirty sheets. During her stay at the women's prison, she would occasionally run out of tampons and ask other women for extras (of which 'lending and borrowing' is a disciplinary offense).

Natalie recalls her previous experiences in Cheshire County jail as this: "You only get a certain amount of tampons depending on which officer was on the unit. As a state county resident, you would get used underwear, bras and socks. The sheets were old with stains. The federal residents were taken care of because liaisons visited once per month to ensure they were getting their needs met. At Grafton County Jail, the issues underwear were also used. When I asked for new ones, I was told 'You're lucky you're getting some because if it were up to me, you would get nothing,' so I chose not to wear any. My sheets were stained with blood and I was only ever given pads, not tampons. Merrimack County jail limited the amount of tampons and you had to buy them if you needed more. At the prison, they always gave me stained sheets and underwear and extra tampons were hard to get because not every officer liked you."

I will now speak on my experience like a lot of the other woman. Upon arriving at valley st jail I was given underwear that we clear to the eye. Not new and have been worn because of the stains, tears and rips in them. I understand you all are probably thinking we must have done something wrong to end up in those places. We are still human, and we are talking about a basic, biological need that should be honored in a dignified manner. I know for me, being at such a young age going to jail. I was already in a vulnerable state. So to then have to go through that is very degrading.

With only being issued 3 pairs of underwear and the inconsistent supply off fem hygiene products. These women including myself were forced to wash our underwear in the sinks and toilets because the laundry that was done twice a week was not sufficient. Ex.... The laundry was put into these netted bags that weren't very secure that 9 out of 10 times the laundry bags would open up in the laundry. Where at that point woman are digging around in the laundry basket trying to find the underwear. Also let me add that washing garments in the sink and or toilet, also when the woman decide not wear underwear because of them being stained and worn. You will be written up and receive a Disciplinary ticket.
Ultimately, this conversation comes down to human dignity. Each one of us deserves including the woman I mentioned previously and all the woman serving time in both state and county facilities should be able to manage bodily functions adequately. This includes proper access to feminine hygiene products. No one should be forced to risk toxic shock syndrome, infection, or infertility to manage a natural bodily function.

I encourage all of you to support this essential piece of legislation and continue to serve and protect the dignity of those who menstruate.

Menstrual Hygiene Products in Correctional Facilities
SB 209 and HB 421

House Bill Includes	Senate Bill Includes
- Underwear ("new condition") and other impacted items	- Youth detention facilities - Defines adequacy/sufficiency with a number
House Bill Does Not Include	**Senate Bill Does Not Include**
- Youth detention facilities - Definition of adequacy/sufficiency or timeliness	- Underwear and other impacted items - Definition of timeliness
Both Senate and House Bills Include	
- Include NH Women's prison and all County Jails - Definition of menstrual hygiene products inclusive of pads, tampons, etc - Nearly identical language on safety, limitations	

Underwear and other impacted items

- House bill: "Upon intake, undergarments shall be provided in new condition."
- However, during the House work session, the Sub-Committee stated they wanted "Upon intake, undergarments shall be provided new." (not "in new condition")
- Senate bill does not include underwear or other impacted items

Youth Detention Facilities

- House bill: State Prison and County Correctional facilities
- Senate bill: State Prison, County Correctional facilities, and youth detention facilities
    - "The superintendent of each county correctional facility and any facility listed in RSA 169-B:14, I(c) or (e)"

Adequacy/Sufficiency

- Senate bill: "shall provide sufficient menstrual hygiene products to individuals who are in the custody of.." and "Sufficiency shall be considered, at minimum, a combination of 20 standard issue menstrual hygiene products per individual's menstrual cycle."
- House bill: "...shall provide menstrual hygiene products to all people who menstruate in the custody of the county in adequate amounts as necessary"

Timeliness

- During the House Sub-Committee work session, they discussed "in a timely manner" or "and in such a way that meets any immediate needs" but it was not included

- The sub-committee discussed the issue of "reasonable" and how that is subjective and would have to be determined through litigation
- Neither the House bill nor the Senate bill have language on timeliness
- Discussion on timeliness:
    - The issue remains that some jails provide 1-3 products per ask. Adding "timely" to the bill may increase the speed of receiving those 1-3 products but it does not solve the issue that people still cannot procure a month's supply and must time out each half day (or more) asking CO's for products as they come around.
    - If the bill includes a # per cycle, then it encourages jails to create a system of getting ALL of that number at once in the hands of incarcerated people every month. Then there is no one-time, immediate needs because people can manage their own amount for the month.

Safety issue

- As Commissioner Hanks has testified, there are no safety issues at the State Prison where this policy is modeled and incarcerated menstruating people are getting a standard number (or more) of products at the beginning of each month.
- Both bills have nearly identical language around safety to accommodate any concerns:
- House bill:

    "The number and type of menstrual hygiene products kept in an incarcerated person's cell shall not be excessive so as not to create safety or security issues and shall only be used for the intended purpose."
- Senate bill:

    "The number of menstrual hygiene products kept in a cell shall not be excessive so as not to create safety or security issues and shall only be used for the intended purpose."

New Hampshire Women's Foundation Suggestions for a final bill:

- Consider adding underwear to the Senate bill
  - "Upon intake, undergarments shall be provided new."
  - (a change from House version "Upon intake, undergarments shall be provided in new condition.")
- Keep Senate language on Youth Detention facilities
  - The language would apply to SYSC or any other future youth facility
- Keep Senate language on minimum number (20 products)
  - As the House Sub-Committee noted, some language (like 'timeliness') is subjective and up to litigation. Adequacy, intended to address amounts of products, is another term that is subjective and up to litigation.
  - Without identifying a specific minimum number, any jail could claim they are in compliance with the law without changing any protocols. It would be up to the corrections officer's or jail's definition of adequacy.
  - In order for women to get more than the 1-4 products they receive per ask, they would have to retain a lawyer and litigate against the jail to argue adequacy.
  - Incarcerated women are among the most vulnerable groups in society. They lack rights and frequently lack representation and access to resources. This is a group of people who shouldn't have to find a way to sue a jail for the basic dignity of menstrual hygiene products. Because they won't. Instead, they will continue to suffer. We should make it simple, direct, and clear what the standard minimum is they should expect to receive.
  - The intention of both the House and Senate bills are to change the way some jails provide menstrual hygiene products. If adequacy is not defined, no jails will have to change their protocols/systems.
  - Identifying a minimum number for adequacy would not create a financial or budget burden for jails (as testified by Commissioner Hanks and supported by discussions with other Superintendents).
  - Identifying a minimum number for adequacy would not be a safety concern (as testified by Commissioner Hanks and with the added assurance of language in both bills).
  - Identifying a minimum number for adequacy could potentially be burdensome for jails if they kept the same system of dolling out 1-4 products per request and had to keep track of how many they disbursed.
    - But it would not be burdensome if they switched to a system like the state prison's in which they give out the minimum or more to each menstruating person at the beginning of each month.
    - This would be easier for the jail and better for incarcerated people because they can plan accordingly and not stress that they won't have enough or in time.
  - The point of both bills is to change the practices of the worst jails. The only way to change the practices of the worst jails is to define adequacy as a specific number which encourages a switch from an ad-hoc system to an organized accountable system of disbursement.

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HELEN E. HANKS
COMMISSIONER

PAUL D. RAYMOND, JR.
ASSISTANT COMMISSIONER

To: The Honorable Members of the House Criminal Justice and Public Safety Committee

From: New Hampshire Department of Corrections

Date: 03/29/2023

Re: SB 209 relative to providing menstrual hygiene products at no cost to individuals who biologically menstruate in state and county correctional facilities.

The New Hampshire Department of Corrections (NHDOC) is in support of SB 209.

Thank you for allowing me to speak to you today regarding SB 209 relative to providing menstrual hygiene products at no cost to individuals who biologically menstruate in state and county correctional facilities.

The New Hampshire Department of Corrections is proud of the support we provide to women who are incarcerated. We currently house 143 women between the NH Correctional Facility for Women and Shea Farm Transitional Housing Unit in Concord. Each of these women who menstruate have access to feminine hygiene products at no cost to them. We offer several options of both maxi pads, and tampons in various strengths for people to choose from. If the department does not offer the type of product they prefer, individuals in our care also have the option to purchase feminine hygiene products through our commissary system.

Providing feminine hygiene products to our residents is the right thing to do, and the New Hampshire Department of Corrections is pleased to report that this is something we already do. Thank you again for this opportunity to speak, and I am happy to take any questions you may have.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 209

BILL TITLE: relative to providing menstrual hygiene products at no cost to individuals who biologically menstruate in state and county correctional facilities.

DATE: March 30, 2023

LOB ROOM: 202-204

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Rhodes Seconded by Rep. Stone Vote: 10-10

MOTIONS: WITHOUT RECOMMENDATION

Respectfully submitted,

Rep Alissandra Murray, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 9:55:43 AM
Roll Call Committee Registers Report

2023 SESSION

Criminal Justice and Public Safety

Bill #: SB209 **Motion:** ITL **AM #:** _____ **Exec Session Date:** _____

Members	YEAS	Nays	NV
Roy, Terry Chairman	10		
Rhodes, Jennifer M. Vice Chairman	1		
Pratt, Kevin M.	2		
~~Sytek, John~~ Potucek	3		
~~Proulx, Mark L.~~ Hill	4		
Janvrin, Jason A.	5		
Mannion, Dennis	6		
Reid, Karen A	7		
Stone, Jonathan F.	8		
Tenczar, Jeffrey	9		
Harriott-Gathright, Linda C.		1	
Meuse, David		2	
Bouldin, Amanda C.		3	
Bradley, Amy Clerk		4	
Murphy, Nancy A.		5	
Newman, Ray E.		6	
Murray, Alissandra		7	
Newell, Jodi K		8	
Selig, Loren		9	
Wheeler, Jonah O		10	
TOTAL VOTE:			