

LEGISLATIVE COMMITTEE MINUTES

HB421

Bill as
Introduced

HB 421 - AS AMENDED BY THE HOUSE

16Mar2023... 0450h

2023 SESSION

23-0286

04/08

HOUSE BILL **421**

AN ACT requiring menstrual hygiene products to be provided to prisoners who menstruate in state and county correctional facilities.

SPONSORS: Rep. Read, Rock. 10; Rep. A. Murray, Hills. 20; Rep. Cam. Kenney, Straf. 10; Rep. Popovici-Muller, Rock. 17; Sen. Perkins Kwoka, Dist 21; Sen. Altschiller, Dist 24

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires the feminine hygiene products be provided at no cost to all people who menstruate in the custody of the state or the county.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT requiring menstrual hygiene products to be provided to prisoners who menstruate in state and county correctional facilities.

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

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

Care and Custody of Prisoners Who Menstruate

4 30-B:27 Provision of Menstrual Hygiene Products. The superintendent of each county
5 correctional facility shall provide menstrual hygiene products to all people who menstruate in the
6 custody of the county in adequate amounts as necessary and at no cost to such person. The
7 incarcerated person shall be provided a choice of standard issue menstrual hygiene products to
8 include, and in such a manner that meets any immediate needs, at a minimum, pads, tampons, and
9 pantyliners of varying strengths necessary for their menstrual needs. The number and type of
10 menstrual hygiene products kept in an incarcerated person's cell shall not be excessive so as not to
11 create safety or security issues and shall only be used for the intended purpose. In this section,
12 "menstrual hygiene products" shall mean any product designed to address menstruation. Upon
13 intake, undergarments shall be provided in new condition. Any items provided by the county to
14 incarcerated persons that are impacted by menstruation shall be provided in an adequate number,
15 unstained, and sanitized before being provided to another incarcerated person.

16 2 New Section; Care and Custody of Female Convicts; Provision of Menstrual Hygiene Products.
17 Amend RSA 622 by inserting after section 37 the following new section:

18 622:37-a Provision of Menstrual Hygiene Products. The commissioner shall provide menstrual
19 hygiene products to all people who menstruate in the custody of the state in adequate amounts as
20 necessary and at no cost to such person. The incarcerated person shall be provided a choice of
21 standard issue menstrual hygiene products to include, and in such a manner that meets any
22 immediate needs, at a minimum, pads, tampons and pantyliners of varying strengths necessary for
23 their menstrual needs. The number and type of menstrual hygiene products kept in an incarcerated
24 person's cell shall not be excessive so as not to create safety or security issues and shall only be used
25 for the intended purpose. In this section, "menstrual hygiene products" shall mean any product
26 designed to address menstruation. Upon intake, undergarments shall be provided in new condition.
27 Any items provided by the state to incarcerated persons that are impacted by menstruation shall be
28 provided in an adequate number, unstained, and sanitized before being provided to another
29 incarcerated person.

30 3 Effective Date. This act shall take effect 60 days after its passage.

HB 421 - AS AMENDED BY THE SENATE

16Mar2023... 0450h
05/18/2023 1751s

2023 SESSION

23-0286
04/08

HOUSE BILL **421**

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

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COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

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

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2 Biologically Menstruate. Amend RSA 30-B by inserting after section 26 the following new
3 subdivision:

4 Care and Custody of Individuals Who Biologically Menstruate

5 30-B:27 Provision of Menstrual Hygiene Products. The superintendent of each county
6 correctional facility shall provide sufficient menstrual hygiene products to individuals who are in the
7 custody of the county who biologically menstruate, at no cost to such persons. Sufficiency shall be
8 considered, at minimum, a combination of 20 standard issue menstrual hygiene products per
9 individual's menstrual cycle. An individual may request additional menstrual hygiene products
10 based exclusively on their cycle at no cost at the discretion of the superintendent. The number of
11 menstrual hygiene products kept in a cell shall not be excessive so as not to create safety or security
12 issues and shall only be used for the intended purpose. As used in this section, "menstrual hygiene
13 products" means tampons, menstrual pads, sanitary napkins, and pantiliner.

14 2 New Section; Care and Custody of Female Convicts; Provision of Menstrual Hygiene Products.
15 Amend RSA 622 by inserting after section 37 the following new section:

16 622:37-a Provision of Menstrual Hygiene Products. The warden or director of each state
17 correctional facility and any facility listed in RSA 169-B:14, I(c) or (e) shall provide sufficient
18 menstrual hygiene products to individuals who are in the custody of the state who biologically
19 menstruate, at no cost to such persons. Sufficiency shall be considered, at minimum, a combination
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24 intended purpose. As used in this section, "menstrual hygiene products" means tampons, menstrual
25 pads, sanitary napkins, and pantliners.

26 3 Effective Date. This act shall take effect August 1, 2023.

HB 421 - VERSION ADOPTED BY BOTH BODIES

16Mar2023... 0450h
05/18/2023 1751s
29Jun2023... 2244EBA

2023 SESSION

23-0286
04/08

HOUSE BILL **421**

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

SPONSORS: Rep. Read, Rock. 10; Rep. A. Murray, Hills. 20; Rep. Cam. Kenney, Straf. 10; Rep. Popovici-Muller, Rock. 17; Sen. Perkins Kwoka, Dist 21; Sen. Altschiller, Dist 24

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12 issues and shall only be used for the intended purpose. As used in this section, "menstrual hygiene
13 products" means tampons, menstrual pads, sanitary napkins, and pantliners.

14 2 New Section; Care and Custody of Female Convicts; Provision of Menstrual Hygiene Products.
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24 intended purpose. As used in this section, "menstrual hygiene products" means tampons, menstrual
25 pads, sanitary napkins, and pantliners.

26 3 Effective Date. This act shall take effect August 1, 2023.

CHAPTER 194
HB 421 - FINAL VERSION

16Mar2023... 0450h
05/18/2023 1751s
29Jun2023... 2244EBA

2023 SESSION

23-0286
04/08

HOUSE BILL **421**

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CHAPTER 194
HB 421 - FINAL VERSION

16Mar2023... 0450h
05/18/2023 1751s
29Jun2023... 2244EBA

23-0286
04/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

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1 194:1 New Subdivision; County Departments of Correction; Care and Custody of Individuals
2 Who Biologically Menstruate. Amend RSA 30-B by inserting after section 26 the following new
3 subdivision:

4 Care and Custody of Individuals Who Biologically Menstruate

5 30-B:27 Provision of Menstrual Hygiene Products. The superintendent of each county
6 correctional facility shall provide sufficient menstrual hygiene products to individuals who are in the
7 custody of the county who biologically menstruate, at no cost to such persons. Sufficiency shall be
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12 issues and shall only be used for the intended purpose. As used in this section, "menstrual hygiene
13 products" means tampons, menstrual pads, sanitary napkins, and pantliners.

14 194:2 New Section; Care and Custody of Female Convicts; Provision of Menstrual Hygiene
15 Products. Amend RSA 622 by inserting after section 37 the following new section:

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25 pads, sanitary napkins, and pantliners.

194:3 Effective Date. This act shall take effect August 1, 2023.

Approved: August 04, 2023
Effective Date: August 01, 2023

Amendments

Sen. Carson, Dist 14
May 1, 2023
2023-1589s
07/08

Amendment to HB 421

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to providing menstrual hygiene products at no cost to individuals who
4 biologically menstruate in state and county correctional facilities.
5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 New Subdivision; County Departments of Correction; Care and Custody of Individuals Who
9 Biologically Menstruate. Amend RSA 30-B by inserting after section 26 the following new
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30 cell shall not be excessive so as not to create safety or security issues and shall only be used for the
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Amendment to HB 421
- Page 2 -

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UNAPPROVED

2023-1589s

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AMENDED

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Amendment to HB 421
- Page 2 -

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

Amendment to HB 421
- Page 3 -

2023-1751s

AMENDED ANALYSIS

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

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Howard Pearl, Chair
Sen Sharon Carson, Vice Chair
Sen Carrie Gendreau, Member
Sen Rebecca Perkins Kwoka, Member
Sen Debra Altschiller, Member

Date: April 5, 2023

HEARINGS

Wednesday	04/12/2023	
(Day)	(Date)	
Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 454	relative to the membership and reporting responsibilities of the examining board of medicine.
9:15 a.m.	HB 258	relative to animal chiropractors.
9:30 a.m.	HB 421	requiring menstrual hygiene products to be provided to prisoners who menstruate in state and county correctional facilities.
9:45 a.m.	HB 238	relative to the role of quality control and the developmental disability service system.
10:00 a.m.	HB 228	relative to repealing the commission on demographic trends.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 454

Rep. Edwards

Rep. Layon

Rep. M. Pearson

HB 258

Rep. D. Kelley

HB 421

Rep. Read

Rep. A. Murray

Rep. Kenney

Rep. Popovici-Muller

Sen. Perkins Kwoka

Sen. Altschiller

HB 238

Rep. McMahon

Rep. Schapiro

Rep. M. Pearson

Rep. Lynn

Rep. Potucek

Rep. Guthrie

Rep. Edwards

Rep. Popovici-Muller

Rep. Kuttub

Sen. Gannon

Sen. Birdsell

HB 228

Rep. G. Griffin

Phil Jasak 271-1403

Howard Pearl
Chairman

Senate Executive Departments and Administration Committee

Phil Jasak 271-1403

HB 421, requiring menstrual hygiene products to be provided to prisoners who menstruate in state and county correctional facilities.

Hearing Date: April 12, 2023

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill requires the feminine hygiene products be provided at no cost to all people who menstruate in the custody of the state or the county.

Sponsors:

Rep. Read

Rep. A. Murray

Rep. Kenney

Rep. Popovici-Muller

Sen. Perkins Kwoka

Sen. Altschiller

Who supports the bill: In total 50 individuals signed in, for HB 421. The full sign in sheet is available upon request to the Legislative Aide, Phillip Jasak.

Who opposes the bill: In total 50 individuals signed in, for HB 421. The full sign in sheet is available upon request to the Legislative Aide, Phillip Jasak.

Who is neutral on the bill: In total 50 individuals signed in, for HB 421. The full sign in sheet is available upon request to the Legislative Aide, Phillip Jasak.

Summary of testimony presented:

Representative Reed & Representative Rhodes

Rep. Reed acknowledged the Senate passed a bill similar to HB 421 earlier this session. She summarized the testimony heard in the house committee hearings. There have been many instances of inmates on the county level experiencing infections and inadequate access to period products in a timely manner. The products used during menstruation are not one size fits all. Rep. Reed noted there are conditions that can affect a woman's menstruation. Rep. Reed heard from countless woman who experienced infections, such as toxic shock syndrome. Without access to proper products individuals experience shame. She has not heard from a country commissioner that is opposed to HB 421. This bill was passed unanimously through the house. Rep. Reed stated it would be unconstitutional to not provide basic health and hygiene for an individual in the custody of the state or county. Compared to the senate version, Rep. Reed did not include biological menstruation. The

definition of menstruation is biological to females. Rep. Reed stated her support if the committee wishes to add the language of biological into HB 421 when referencing menstruation.

Rep. Rhodes noted that in her committee she was urged to not include the number of products each individual receives. The information she received showed that inmates use these products for drug transportation or use. She spoke to commissioner Hanks and is now aware of the importance of including a specific number of products for each individual. She addressed the amendment presented before the committee. The amendment addressed the issues that came about after the bill passed the house. The amendment adds individuals in a juvenile corrections facility to fall under this bill.

Sen. Altschiller asked why the specific number of period products an individual is able to receive is left out of the juvenile clause.

Rep. Reed responded that the current practice of the state is fifteen. The idea is that if you need to care for their basic health and hygiene that is not an unfunded mandate. Rep Reed could not speak to why juveniles did not have a specific number of products available outline.

Sen. Carson expressed concerns of contradiction in the amendment proposed by Rep. Reed. Page one line 28 stated that every inmates will receive new undergarments then Line 29 stated those inmates will receive unstained and sanitized garments. Sen. Carson stated that to her new meant out of package and never worn by anyone. However, if each inmate receives new underwear, line 29 is unnecessary to keep in the bill.

Rep. Rhodes explained that unfortunately she was told that an individual is not guaranteed to get back their original undergarments. As a new inmate, one will receive new under garments. However, once the items go through the laundry, it is not certain that an individual will receive their own garments. Rep. Rhodes included the language of line 29 to guarantee that even if an individual does not receive their own underwear they will be able to receive clean underwear.

Rep. Reed expressed that the language of line 29 must stay in the bill. She noted that undergarments are not the only material that is impacted from menstruated. She mentioned how previous house testimony stated that inmates were not allowed to wash the blood out of their own clothes. She emphasized the importance of keeping the language the same.

Sen. Carson suggested that this issue should be addressed in a separate section, for it is complicated. She stated that this language opened a door and it is important to make it clear that each inmate will be provided a pair of underwear that is new and that fits.

Rep. Reed stated this bill deals with how inmates are treated in regards to period means. This language was not confusing to any of the women on the subdivision committee. Rep. Reed suggested the addition of the word other when describing items so that the phrase would read "any other items"

Rep. Rhodes added that the committee predicted that it may be impossible for the facility to provide all new items due to funding.

Sen. Carson stated that as elected officials we share a duty to make sure we created new statutes to observe all types of language and resolve the issue. She urged the importance of the use of language to create a bill that will be effective.

Marissa Chase – New Hampshire association for justice

Ms. Chase suggested an amendment to the definition of youth detention centers. She is concerned that the new proposed amendment does not cover all youth detention facilities, both public and private. She suggested the addition of RSA 169 b-14 paragraph c or e into the language, which defines menstrual items.

Sen. Carson stated that any female held or incarcerated will be furnished with undergarments. The conversation had been centered on underwear. She then asked if Mrs. Chase believed the legislature should separate bras from underwear.

Mrs. Chase suggested an amendment drafted by the Women's Foundation which specifically separated clothes from bed items. She stated that she would recommend that question be differed to commissioner Hanks.

Sen. Carson asked if Mrs. Chase believed the language describing the undergarments an inmate receives should read undergarments of an appropriate size.

Ms. Chase responded yes she believed so as well. She supports the intent of Sen. Carson's suggested language.

Devan Quinn – New Hampshire Women's Foundation

Ms. Quinn gave a description between the differences of the Senate bill previously introduced and this current house bill. The House original bill included underwear in new conditions and other impacted items. The Senate original bill included youth detention facilities and it defined sufficiency with a number. The House original bill does not include youth detention facilities or the definition of a sufficient supply. The Senate original bill does not include a definition of timelines. Ms. Quinn stressed that both bills have identical language which address safety to accommodate any concerns. Both the House and Senate bills include New Hampshire Women's prisons and all County Jails. The New Hampshire Women's Foundation suggested combining the Senate and the House bill for the final. She suggested the final bill keep the language of underwear from the House bill. She also suggested that the bill adds the Senate language on a minimum number and language on Youth Detention facilities. Ms. Quinn stated that 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.

Jason Henry – Superintendent of Rockingham County Jail

Mr. Henry stated that there are two different aspects of this bill. There are smaller country jails, like that his country of Rockingham, and large state prisons. Mr. Henry stated that Rockingham County Jail had over 3,000 intakes last year. He believed that these new undergarments would not be an unfunded mandate. He stated that anything which is a biological need, such as toilet

paper, is not an unfunded mandate. He referred to RSA 30b which clearly stated that corrections facilities must provide medical care.

Sen. Carson asked if under HB 421 an individual who is held for pre-trial confinement would be required to receive new undergarments and new products.

Mr. Henry responded yes. He stated that even if those individuals are in confinement for one night they are offered new sanitized undergarments.

Sen. Carson asked if Mr. Henry thought it would be appropriate to add the language upon sentencing to this bill. Then at the point of sentencing the facility is aware of how long the individual will be there.

Mr. Henry disagreed with Sen. Carson's suggestion. He states that in most places laundry is combined into large machines. When an individual's wash is returned it is probably not going to return as their original pair.

Sen. Carson asked if Mr. Henry interpreted the language of this bill to read that bras should also be included in undergarments.

Mr. Henry responded yes.

Sen. Perkins Kwoka suggested changing the language to provide an alternate timing in terms of providing the products.

Mr. Henry agreed with Sen. Perkins Kwoka.

Speakers

Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB421 on 2

Support: 38 Oppose: 2

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Smith, Hayden	A Lobbyist	New Hampshire Youth Movement	Support
Smith, Julie	A Member of the Public	Myself	Oppose
Schmitt, Megan	A Member of the Public	Myself	Oppose
Casino, Joanne	A Member of the Public	Myself	Support
Damon, Claudia	A Member of the Public	Myself	Support
Blanchard, Sandra	A Member of the Public	Myself	Support
perencevich, ruth	A Member of the Public	Myself	Support
Willing, Maura	A Member of the Public	Myself	Support
Jones, Andrew	A Member of the Public	Myself	Support
Devore, Gary	A Member of the Public	Myself	Support
Weber, Jill	A Member of the Public	Myself	Support
Hackmann, Kent	A Member of the Public	Myself	Support
Platt, Elizabeth-Anne	A Member of the Public	Myself	Support
Englund, Alfrieda	An Elected Official	Myself	Support
Moore, Susan	A Member of the Public	Myself	Support
Bissex, Hannah	A Member of the Public	Myself	Support
Merlone, Lynn	A Member of the Public	Myself	Support
Hershey, Jane	A Member of the Public	Myself	Support
Holt, Kimberley	A Member of the Public	Myself	Support
Hatch, Sally	A Member of the Public	Myself	Support
Thomas, A	A Member of the Public	Myself	Support
Garen, June	A Member of the Public	Myself	Support
Martin, Patricia	A Member of the Public	Myself	Support
Keegan, John	A Member of the Public	Myself	Support
FEDER, Robert	A Member of the Public	Myself	Support
Lambert, Nancy	A Member of the Public	Myself	Support
Laker-Phelps, Gail	A Member of the Public	Myself	Support
Perkins Kwoka, Rebecca	An Elected Official	Myself	Support
Walker, Deborah Klein	A Member of the Public	Myself	Support
Rettew, Ann	A Member of the Public	Myself	Support
Cote, Lois	A Member of the Public	Myself	Support
Baucom, Pam	A Member of the Public	Myself	Support
Davidson, Geri	A Member of the Public	Myself	Support
Bishop, Nancy	A Member of the Public	Myself	Support
Gordon, Laurie	A Member of the Public	Myself	Support
Foss, Lily	A Member of the Public	Myself	Support
Brennan, Nancy	A Member of the Public	Myself	Support
Brennan, Arthur	A Member of the Public	Myself	Support
Altschiller, Senator Debra	An Elected Official	Myself	Support
Bergstrom, Candace	A Member of the Public	Myself	Support

Testimony

Menstrual Hygiene Products in Correctional Facilities

SB 209 and HB 421

<u>House Bill Includes</u>	<u>Senate Bill Includes</u>
<ul style="list-style-type: none">- Underwear (“new condition”) and other impacted items	<ul style="list-style-type: none">- Youth detention facilities- Defines adequacy/sufficiency with a number
<u>House Bill Does Not Include</u>	<u>Senate Bill Does Not Include</u>
<ul style="list-style-type: none">- Youth detention facilities- Definition of adequacy/sufficiency or timeliness	<ul style="list-style-type: none">- Underwear and other impacted items- Definition of timeliness
<u>Both Senate and House Bills Include</u>	
<ul style="list-style-type: none">- 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:

- Keep underwear from House bill
 - "Upon intake, undergarments shall be provided new."
 - (a change from House version "Upon intake, undergarments shall be provided in new condition.")
- Add Senate language on Youth Detention facilities
 - The language would apply to SYSC or any other future youth facility
- Add 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 doling 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.

Voting Sheets

**Senate Executive Departments & Administration
Committee
EXECUTIVE SESSION RECORD
2023-2024 Session**

Hearing date: 4/12 H Bill # 421

Executive Session date: 5/10

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: Amendment 1589s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP - A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Carson

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, May 11, 2023

THE COMMITTEE ON Executive Departments and Administration

to which was referred **HB 421**

AN ACT

requiring menstrual hygiene products to be provided to prisoners who menstruate in state and county correctional facilities.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

1751s

Senator Sharon Carson
For the Committee

HB 421 as amended by the House requires that feminine hygiene products must be provided at no cost to all women in the custody of the state or the county. The amendment adopted by the committee simply adopt the language from SB 209 that was unanimously passed by the Senate earlier in the session. This includes the amendment which adds juvenile detention facilities and specifies sufficiency in regard to the number of menstrual hygiene products to be provided per menstrual cycle.

Phil Jasak 271-1403

FOR THE CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 421, requiring menstrual hygiene products to be provided to prisoners who menstruate in state and county correctional facilities.

Ought to Pass with Amendment, Vote 5-0.

Senator Sharon Carson for the committee.

HB 421 as amended by the House requires that feminine hygiene products must be provided at no cost to all women in the custody of the state or the county. The amendment adopted by the committee simply adopt the language from SB 209 that was unanimously passed by the Senate earlier in the session. This includes the amendment which adds juvenile detention facilities and specifies sufficiency in regard to the number of menstrual hygiene products to be provided per menstrual cycle.

General Court of New Hampshire - Bill Status System

Docket of HB421

Docket Abbreviations

Bill Title: (Second New Title) relative to providing menstrual hygiene products at no cost to individuals who biologically menstruate in state and county correctional facilities.

Official Docket of HB421.:

Date	Body	Description
1/10/2023	H	Introduced (in recess of) 01/05/2023 and referred to Criminal Justice and Public Safety HJ 3 P. 15
1/11/2023	H	Public Hearing: 01/20/2023 11:30 am LOB 202-204
2/1/2023	H	Subcommittee Work Session: 02/06/2023 02:00 pm LOB 202-204
2/7/2023	H	Executive Session: 02/24/2023 09:00 am LOB 202-204
3/3/2023	H	Committee Report: Ought to Pass with Amendment #2023-0450h 02/24/2023 (Vote 20-0; CC) HC 16 P. 3
3/16/2023	H	Amendment #2023-0450h : AA VV 03/16/2023 HJ 9 P. 2
3/16/2023	H	Ought to Pass with Amendment 2023-0450h: MA VV 03/16/2023 HJ 9 P. 1
3/21/2023	S	Introduced 03/16/2023 and Referred to Executive Departments and Administration; SJ 11
4/5/2023	S	Hearing: 04/12/2023, Room 103, SH, 09:30 am; SC 17
5/11/2023	S	Committee Report: Ought to Pass with Amendment #2023-1751s , 05/18/2023; Vote 5-0; CC; SC 22
5/18/2023	S	Committee Amendment #2023-1751s , AA, VV; 05/18/2023; SJ 15
5/18/2023	S	Ought to Pass with Amendment 2023-1751s, MA, VV; OT3rdg; 05/18/2023; SJ 15
6/15/2023	H	House Concurs with Senate Amendment 2023-1751s (Rep. Roy): MA VV 06/15/2023 HJ 16 P. 2
7/11/2023	S	Enrolled Bill Amendment #2023-2244e Adopted, VV, (In recess of 06/29/2023); SJ 20
7/12/2023	H	Enrolled Bill Amendment #2023-2244e : AA VV (in recess of) 06/29/2023 HJ 17 P. 17
7/18/2023	S	Enrolled Adopted, VV, (In recess 06/29/2023); SJ 20
7/19/2023	H	Enrolled (in recess of) 06/29/2023 HJ 17 P. 18
8/9/2023	H	Signed by Governor Sununu 08/04/2023; Chapter 194; eff: 08/01/2023 HJ 17

NH House

NH Senate

Other Referrals

July 7, 2023
2023-2244-EBA
07/05

Enrolled Bill Amendment to HB 421

The Committee on Enrolled Bills to which was referred HB 421

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

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 421

This enrolled bill amendment makes a grammatical correction to the bill.

Enrolled Bill Amendment to HB 421

Amend RSA 30-B:27 as inserted by section 1 of the bill by replacing line 9 with the following:

products” means tampons, menstrual pads, sanitary napkins, and pantliners.

Senate Inventory Checklist for Archives

Bill Number: HB 421

Senate Committee: EDA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 15895 - amendment # 17515
- amendment # _____ - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s) 2244EBA
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Phillip Jask
Committee Aide

7/7/23
Date

Senate Clerk's Office AK