

House Bill 861

By: Representatives Scott of the 76th, Schofield of the 60th, Davis of the 87th, Hugley of the 136th, Buckner of the 137th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20, Article 1 of Chapter 1 of Title 42, and
2 Chapter 1 of Title 49 of the Official Code of Georgia Annotated, relating to health, inmate
3 policies, and general provisions regarding social services, respectively, so as to increase
4 access to disposable menstrual products in public schools, penal institutions, certain social
5 service shelters, and housing facilities; to provide for definitions; to require the provision of
6 disposable menstrual products to certain persons at no cost; to authorize the Department of
7 Education to promulgate model policies and guidance for local boards of education; to
8 provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
12 relating to health, is amended by adding a new Code section to read as follows:

13 "20-2-779.2.

14 (a) As used in this Code section, the term:

15 (1) 'Disposable menstrual products' means products used by menstruating individuals,
16 including, but not limited to, sanitary napkins, tampons, and underwear liners.

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17 (2) 'Menstruating individual' means any person who menstruates.
18 (b) In every school with an enrollment of students in any grade from the sixth through
19 twelfth grade, each local board of education shall provide disposable menstrual products
20 in all restrooms of such school building or buildings for menstruating individuals. Such
21 disposable menstrual products shall be provided at no charge to students. Such products
22 shall be provided in a convenient manner and in such a way that it shall not stigmatize any
23 menstruating individual seeking or in need of disposable menstrual products. The
24 Department of Education is authorized to promulgate model policies and provide guidance
25 to assist local boards of education with implementing the requirements of this Code
26 section."

27 **SECTION 2.**

28 Article 1 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to
29 inmate policies, is amended by adding a new Code section to read as follows:

30 "42-1-11.4.

31 (a) As used in this Code section, the term:

32 (1) 'Custodian' means warden, sheriff, jailer, deputy sheriff, police officer, or any other
33 law enforcement officer.

34 (2) 'Disposable menstrual products' means products used by menstruating individuals,
35 including, but not limited to, sanitary napkins, tampons, and underwear liners.

36 (3) 'Menstruating individual' means any person who menstruates.

37 (4) 'Officer in charge' means any custodian who is responsible for the supervision of a
38 penal institution.

39 (5) 'Penal institution' means any place of confinement for juvenile or adult individuals
40 accused of, convicted of, or adjudicated for violating a law of this state or an ordinance
41 of a political subdivision of this state.

42 (b) Disposable menstrual products shall be provided at no cost to menstruating individuals
43 who are housed or who are detained in a penal institution. The officer in charge shall
44 ensure that such products are provided in a convenient manner and in such a way that it
45 shall not stigmatize any menstruating individual seeking or in need of disposable menstrual
46 products."

47 SECTION 3.

48 Chapter 1 of Title 49 of the Official Code of Georgia Annotated, relating to general
49 provisions regarding social services, is amended by adding a new Code section to read as
50 follows:

51 "49-1-9.

52 (a) As used in this Code section, the term:

53 (1) 'Disposable menstrual products' means products used by menstruating individuals,
54 including, but not limited to, sanitary napkins, tampons, and underwear liners.

55 (2) 'Menstruating individual' means any person who menstruates.

56 (b) Any provider of temporary housing assistance, including, but not limited to, a family
57 shelter, a shelter for adults, a hotel used for emergency shelter, an emergency apartment,
58 a domestic violence shelter, a runaway and homeless youth shelter, or a safe house for
59 refugees, shall provide disposable menstrual products at no cost to menstruating
60 individuals. Such products shall be provided in a convenient manner and in such a way
61 that it shall not stigmatize any menstruating individual seeking or in need of disposable
62 menstrual products."

63 SECTION 4.

64 All laws and parts of laws in conflict with this Act are repealed.