

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 797
Judiciary

(Delegate Queen, *et al.*)

Judicial Proceedings

Correctional Services - Inmates - Menstrual Hygiene Products

This bill requires the managing official of a correctional facility and the director of the Patuxent Institution to ensure that the facility has a sufficient supply of menstrual hygiene products available to meet the needs of the inmate population at all times. Each correctional facility and the Patuxent Institution must (1) have a written policy and procedure in place requiring menstrual hygiene products to be provided at no cost to a female inmate, as specified, and (2) maintain records on the provision and availability of menstrual hygiene products to inmates. The Maryland Commission on Correctional Standards must (1) establish standards regarding the proper disposal of menstrual hygiene products and (2) review the policy and records of each correctional facility and the Patuxent Institution relating to menstrual hygiene products during regular inspections. The bill applies to local correctional facilities, the Patuxent Institution, and correctional facilities in the Division of Correction (DOC).

Fiscal Summary

State Effect: None. The bill codifies existing practice.

Local Effect: Potential minimal increase in local expenditures to the extent that a local correctional facility does not currently meet the bill's requirements. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law/Background: Under Maryland regulations, the managing official of a correctional facility must have a written policy and procedure to require that articles necessary to maintain proper personal hygiene are available and provided to an inmate upon admission and routinely after that, and to an indigent inmate, including feminine hygiene articles.

The Patuxent Institution has the capacity to house approximately 1,115 offenders (including 109 female offenders) and provides menstrual hygiene products. The Governor's proposed fiscal 2019 budget includes approximately \$58,000 for hygienic supplies for both male and female offenders housed in the institution.

The Maryland Correctional Institution-Women (MCIW) within DOC and the Baltimore City Booking and Intake Center (BCBIC) also house female offenders and provide menstrual hygiene products. The Governor's proposed fiscal 2019 budget includes approximately \$81,000 for hygienic supplies to MCIW and BCBIC.

Every female inmate within the Patuxent Institution and DOC is given 48 sanitary napkins each month. At intake, each new female admission is given a dozen sanitary napkins in the event of need before assignment to a housing unit. Additional sanitary napkins are available in the infirmary, mental health unit, and work sites within the facilities.

In August 2017, the Federal Bureau of Prisons issued a memo mandating that feminine hygiene products be available to all female inmates in federal institutions at no additional cost. The memo requires that prisons stock tampons (regular and super size), maxi pads with wings (regular and super size), and regular panty liners.

Additional Information

Prior Introductions: None.

Cross File: SB 598 (Senator Lee, *et al.*) - Judicial Proceedings.

Information Source(s): Anne Arundel and Charles counties; cities of Frederick and Havre de Grace; Department of Public Safety and Correctional Services; Department of Legislative Services

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