

## Memorandum in Support COMMITTEE ON WOMEN IN THE LAW

Women #2

May 23, 2018

S. 8672  
A. 588-A

By: Senator Rivera  
By: M. of A. L. Rosenthal  
Senate Committee: Crime, Victims, Crime and  
Correction  
Assembly Committee: Crime Victims, Crime and  
Correction  
Effective Date: Immediately

**AN ACT** to amend the correction law, in relation to providing feminine hygiene products at no cost to individuals in correctional facilities.

**LAW & SECTION REFERRED TO:** Section 625 of the correction law.

### THE COMMITTEE ON WOMEN IN THE LAW SUPPORTS THIS LEGISLATION

The Committee on Women in the Law (CWIL) **SUPPORTS** the passage of [A588a/S6176](#), which amends the correction law to provide women incarcerated in New York State with access to feminine hygiene products at no cost.

#### **Background**

New York State currently houses approximately 4,000 women in state and local correctional facilities, of which 3,400 are of menstruating age.<sup>1</sup> According to a 2015 Correctional Association of New York report, of those 3,400 women, fifty-four percent only have access to 10 free sanitary pads per menstrual cycle, half what most women require.<sup>2</sup> The cost of purchasing additional pads or tampons (tampons are not usually provided) is prohibitively expensive for the majority of these women, most of whom come from lower-income households.<sup>3</sup> Prison wages of approximately \$.75 per day mean that a woman might have to work a full week to earn enough money to purchase a 20-pack of pads or tampons.<sup>4</sup>

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<sup>1</sup> Francine Barchett, "Pads in Prisons: Addressing Gender Disparities in New York State," Roosevelt Institute (2017). Accessed April 9, 2017 <https://www.google.com/search?q=roosevelt+institute+healthcare+pads+in+prisons&oq=roosevelt+institute+healthcare+pads+in+prisons&aqs=chrome..69i57.12318j1j7&sourceid=chrome&ie=UTF-8> citing "Inadequate Access: Reforming Reproductive Health Care for Women in new York State Prisons." Women in Prison Project, 2015.

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id.

The effect on women having an insufficient or unreliable supply of feminine hygiene products is both physical and psychological. Women without adequate products designed to absorb the flow of blood will improvise pads and tampons out of other available items, like toilet paper, and delay changing pads and tampons to stretch coverage. Improvised and unclean products attract bacterial and fungal infections, and can lead to life-threatening toxic shock syndrome.<sup>5</sup> Prisoners report feminine hygiene products being used by guards as barter, and withheld for punishment.<sup>6</sup> Absurdly, women also report being punished for bleeding through uniforms. Not surprisingly, women report high levels of stress, anxiety and embarrassment in connection with having their periods and the consequent shame of this bodily function being made public.<sup>7</sup>

The availability of adequate feminine hygiene products in prisons has emerged as an issue nationally within the past two years. Legislators in Virginia, Alabama, Arizona, Connecticut and Maryland have introduced bills to require prisons to provide access to sufficient quantities of menstrual products. In August 2017, the Federal Bureau of Prisons issued a memo mandating that prisons provide pads and tampons free of charge to all federally incarcerated women. And in 2016, New York City became the first municipality to require free access to pads and tampons in all city correctional facilities, public schools and homeless shelters.<sup>8</sup>

## **Analysis**

This bill would amend the Correction Law by adding a sentence to require that “[f]eminine hygiene products, including, but not limited to, sanitary napkins, tampons and panty liners shall be provided at no cost to individuals housed in state and local correctional facilities used for the general confinement of female inmates and in any other state or local facilities where women are detained or confined by law enforcement agencies.”<sup>9</sup>

Access to an adequate supply of clean, safe, and sanitary feminine hygiene products is a basic necessity for women of menstruating age, and there is no legitimate excuse for denying such access. The proposed amendment makes sanitary products available at no charge to prisoners, an important advancement in light of the number of imprisoned women who come from low income households. However, the bill would be markedly improved if it not only provided for cost-free products, but guaranteed easy access to a sufficient supply for each woman’s menstrual needs. Free products that must be distributed by guards or through other intermediaries will remain inaccessible to some women or susceptible to use as barter. Lawmakers should consider mandating that feminine hygiene products are either consistently available inside cells or restrooms for women’s private use, or mandate that women are provided in bulk at least 20 pads or tampons per cycle and should not be withheld as a punishment for any reason. The Roosevelt Institute estimates the cost to the state of providing sanitary products in these quantities to incarcerated women to be \$13,000 per year in today’s dollars.<sup>10</sup>

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<sup>5</sup> Id. See also Brian White, “#MeToo Helps Shine Light on Prisons,” *The Bismark Tribune*, April 2, 2018. Accessed Tuesday, April 3, 2018.

<sup>6</sup> Zoe Greenberg, “In Jail, Pads and Tampons as Bargaining Chips,” *The New York Times*, April 20, 2017. Accessed April 2, 2018. See also S6176, Justification, 2017-2018 Regular Sessions, May 11, 2017.

<sup>7</sup> Alex Rosen, “Menstruating Can Become Humiliation in Prison,” *The Cut*, June 16, 2015. Accessed April 2, 2018.

<sup>8</sup> “#MeToo Helps Shine Light on Prisons,” *supra*.

<sup>9</sup> S.8672

<sup>10</sup> “Pads in Prison: Addressing Gender Disparities in new York State,” *supra*.

## **Conclusion**

Female prisoners should have ready and easy access to an adequate supply of sanitary pads and tampons for their physical and mental health, and their dignity.

Based on the foregoing, the New York State Bar Association's Committee on Women in the Law **SUPPORTS** the enactment of this legislation. We urge consideration of improvements to the bill to address the problem fully by guaranteeing easy access to a sufficient supply for each woman's menstrual needs.