



AB 1810 – Menstrual Equity for All

SUMMARY

Assembly Bill 1810 will bring menstrual equity to California’s correctional facilities by requiring that people who menstruate have access to free and readily available menstruation products.

BACKGROUND

In 2018, Congress passed the First Step Act, which codified a Federal Bureau of Prisons guidance memo requiring federal correctional facilities to make menstrual products available at no cost to incarcerated people. Currently, California state law requires that the California Department of Corrections and Rehabilitation (CDCR) adult and juvenile facilities, local detention facilities, state or local juvenile facilities provide menstrual products to incarcerated women **upon request**.

A number of other states; such as Delaware, Florida, Louisiana, and South Carolina, have corrected a flaw in California’s statute by making menstrual products free to incarcerated people **without the need for individuals to request access** from correctional officers.

PROBLEM

There have been widespread reports of non-compliance and, even worse, abuses of power within CDCR in regards to distribution of menstrual products. A 2023 report from the California Department of Justice found that of the 53 county jails, 25 were not compliant with state mandates.

Even more concerning are the reports of CDCR officers using menstrual products as tools for retaliation and coercion. In 2016, a lawsuit against CDCR revealed nine separate incidents where officers refused to give women tampons or menstrual pads when requested in retaliation for them filing formal complaints of mistreatment in the facility. This is not only inhumane, it is also a gross abuse of power used to intimidate people into silence about any mistreatment they may face while

incarcerated. Nationwide, there have been numerous reports of correctional officers leveraging menstrual products for sexual favors. According to a 2019 report from the ACLU and Period Equity, incarcerated people do not feel comfortable asking for menstrual products, even when they are free of cost, due to fear that it will lead to coercion, humiliation, or harassment.

Lack of timely access to menstrual products can lead to a number of negative daily life and health outcomes for incarcerated women. Many are forced to makeshift pads or tampons out of toilet paper or bed sheets. Many wear bloodstained clothes because they have a limited number of underwear and can only do laundry on designated days. This lack of access can also lead to severe health risks such as urinary tract infections, toxic shock syndrome, and poor reproductive health outcomes.

By tying access to menstrual products to the discretion of a correctional officer, we are exacerbating the imbalance of power between incarcerated people and their correctional officers, further opening the door for mistreatment, sexual abuse, harassment, and humiliation within the carceral system.

SOLUTION

AB 1810 will bring our state closer to menstrual health equity by requiring that menstrual products are free and readily available for all women who need them while incarcerated. This will remove a dangerous and dehumanizing barrier for people who menstruate and allow them timely access to menstrual pads or tampons without leaving it to the discretion of their jailers.

SUPPORT

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California Alliance of Child and Family Services
California Attorneys for Criminal Justice

California Public Defenders Association
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Homeless Health Care Los Angeles
Homeless Outreach Program Integrated Care System
Initiate Justice Action
Legal Services for Prisoners with Children
Pacific Juvenile Defender Center
Public Counsel
San Francisco Public Defender
Sister Warriors Freedom Coalition
The Transformative In-Prison Workgroup
Western Center on Law and Poverty
Young Women's Freedom Center

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