

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 484

FISCAL
NOTE

BY SENATORS LINDSAY, STOLLINGS, WOELFEL, AND

BEACH

[Introduced January 15, 2020; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §15A-4-22; and to amend and reenact §49-2-906 of said code, all relating to
 3 requiring that free feminine hygiene products be provided to female prisoners in state
 4 correctional facilities and female juveniles in juvenile detention; and defining a term.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 15A. DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC
 SAFETY.**

ARTICLE 4. CORRECTIONS MANAGEMENT.

§15A-4-22. Feminine hygiene products to be provided.

1 (a) For the purposes of this section “feminine hygiene products” means tampons and
 2 sanitary napkins for use in connection with the menstrual cycle.

3 (b) Female inmates shall be provided, at no cost, with their choice of feminine hygiene
 4 products as soon as practicable upon request, but in no instance no longer than eight hours later.

CHAPTER 49. CHILD WELFARE.

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

**§49-2-906. Medical and other treatment of juveniles in custody of the division; consent;
 service providers; medical care; pregnant inmates; claims processing and
 administration by the department; authorization of cooperative agreements.**

1 (a) Notwithstanding any other provision of law to the contrary, the director, or his or her
 2 designee, is hereby authorized to consent to the medical or other treatment of any juvenile in the
 3 legal or physical custody of the director or the division.

4 (b) In providing or arranging for the necessary medical and other care and treatment of
 5 juveniles committed to the division’s custody, the director shall use service providers who provide
 6 the same or similar services to juveniles under existing contracts with the Department of Health
 7 and Human Resources. In order to obtain the most advantageous reimbursement rates, to

8 capitalize on an economy of scale and to avoid duplicative systems and procedures, the
9 department shall administer and process all claims for medical or other treatment of juveniles
10 committed to the division's custody.

11 (c) In providing or arranging for the necessary medical and other care and treatment of
12 juveniles committed to the division's custody, the director shall assure that pregnant inmates will
13 not be restrained after reaching the second trimester of pregnancy until the end of the pregnancy.
14 However, if the inmate, based upon her classification, discipline history or other factors deemed
15 relevant by the director poses a threat of escape, or to the safety of herself, the public, staff, or
16 the unborn child, the inmate may be restrained in a manner reasonably necessary. Additionally,
17 that prior to directing the application of restraints and where there is no threat to the safety of the
18 inmate, the public, staff or the fetus, the director or designee shall consult with an appropriate
19 health care professional to assure that the manner of restraint will not pose an unreasonable risk
20 of harm to the inmate or the fetus.

21 (d) Female juveniles committed to the division's custody shall be provided, at no cost, with
22 their choice of feminine hygiene products as soon as practicable upon request but, in any case,
23 no longer than eight hours later. For the purposes of this subsection "feminine hygiene products"
24 means tampons and sanitary napkins for use in connection with the menstrual cycle.

25 ~~(d)~~ (e) For purposes of implementing the mandates of this section, the director is hereby
26 authorized and directed to enter into any necessary agreements with the Department of Health
27 and Human Resources. An agreement will include, at a minimum, for the direct and incidental
28 costs associated with that care and treatment to be paid by the Division of Juvenile Services.

NOTE: The purpose of this bill is to require that free feminine hygiene products be provided to female prisoners in state correctional facilities and female juveniles in juvenile detention. The bill defines a term.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.