



**Testimony of Kimberly McCullough, Policy Director  
In Support of HB 2515  
House Committee On Judiciary  
January 31, 2019**

Chair Williamson and Members of the Committee:

The American Civil Liberties Union of Oregon<sup>1</sup> supports HB 2515, which would ensure access to feminine hygiene products for incarcerated people<sup>2</sup> in Oregon jails and prison. This is an issue of gender equity and basic human dignity. It is also both a national problem and an Oregon problem.

We have heard numerous reports—from inside and outside Oregon—about women being denied a sufficient supply, both in number and type, of menstrual products. Although some women can supplement their supply by purchasing products at a commissary, for many incarcerated women it can be difficult or impossible to come up with enough money to pay for the products they need. This is exacerbated by the fact that, in many cases, commissaries charge significantly more for menstrual products than local grocery stores and pharmacies.

In some cases, incarcerated women have reported that correctional officers have withheld products as a means of punishment or control. We have also heard of women being forced to wait for hours before being given an opportunity to obtain products or use the bathroom to change products.

These types of actions can have significant impacts. When people cannot adequately manage their periods to prevent bleeding onto clothing or other items, it can be humiliating. When prisons control the number and type of pads or tampons that prisoners have access to, they deny people basic human dignity and decency. When women in jails and prisons cannot change a tampon or pad regularly or have to resort to make-shift products, it can also lead to infections and toxic shock syndrome, which can in some cases be deadly. Embarrassment about bleeding through clothing can also cause reluctance to participate in programs or refusal of visits from family and legal counsel.

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<sup>1</sup> The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan, nonprofit organization dedicated to preservation and enhancement of civil liberties and civil rights, with more than 45,000 members and supporters statewide.

<sup>2</sup> Please note that while this is primarily a women's issue, some individuals with non-female gender identities also menstruate and need access to menstrual products. Along those lines, we will support amendments to the bill to ensure that all incarcerated individuals who menstruate are given sufficient access to menstrual products.

One counter-point that has been raised by some representatives of correctional facilities is the idea that an unlimited supply of menstrual products could be misused or pose risks to plumbing. In response to these concerns, we think it is important to point out that correctional facilities already have numerous rules prohibiting and sanctioning misuse of property that would apply if those situations were to occur. In addition, preemptive denial of the property before it has been misused is not an appropriate policy. For example, it would be absurd to prohibit access to medication because it has a potential for misuse, or to deny toothbrushes or toilet paper because of the potential abuse of those items.

We are grateful that access to feminine hygiene products in prisons and jails is an issue that has emerged as part of a larger conversation about women in prison that simply wasn't happening until recently. Although women have been the largest increasing population of the criminal justice system for two decades, they still are a relatively small portion compared to men, and so their needs and situations have been largely ignored, both in our criminal justice system and by the public at large. But that's finally and fortunately beginning to change.

In 2016, New York became the first city to require free tampons and sanitary pads in correctional facilities. Since then, there has been a wave of policy changes by correctional institutions and similar bills introduced—and in numerous cases passed—by state legislatures across the country. Oregon should follow suit and take this important step toward ensuring that the health and dignity of Oregonians are not sacrificed at the prison door.

The ACLU of Oregon urges you to support HB 2515. Please feel free to contact me if you have any questions, comments, or concerns.