

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 484

SENATORS LINDSAY, STOLLINGS, WOELFEL, AND BEACH,

original sponsors

[Originating in the Committee on the Judiciary;

reported on February 6, 2020]

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; specifying the time frame
5 in which they must be provided; 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 a female's menstrual cycle.

3 (b) The superintendent of a state correctional facility shall provide female inmates, at no
4 cost, with their choice of feminine hygiene products as soon as practicable upon request, but in
5 no instance longer than eight hours.

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~~ may consent to the medical or other treatment of any juvenile
3 in the 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 considered relevant by the director poses a threat of escape, ~~or to the~~ her own safety ~~of herself,~~
16 or the safety of the public, staff, or the ~~unborn child~~ fetus, the inmate may be restrained in a
17 manner reasonably necessary. Additionally, ~~that~~ prior to directing the application of restraints and
18 where there is no threat to the safety of the inmate, the public, staff, or the fetus, the director or
19 designee shall consult with an appropriate health care professional to assure that the manner of
20 restraint will not pose an unreasonable risk of harm to the inmate or the fetus.

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

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