

**INITIAL STATEMENT OF REASONS
BOARD OF STATE AND COMMUNITY CORRECTIONS
MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES
TITLE 15, DIVISION 1, CHAPTER 1, SUBCHAPTER 4**

§ 1265. Issue of Personal Care Items.

Section 1265 outlines the requirement for policies and procedures on the issuance of personal care items. This regulation has been modified to replace the following sentence: “Each female inmate shall be issued sanitary napkins and/or tampons as needed.” Instead, this regulation will state: “Each female inmate shall be provided with sanitary napkins, panty liners, and tampons as requested.” The proposed change will ensure consistency of treatment between juveniles and adults in local detention facilities by requiring the feminine hygiene items to be provided upon request and without requiring inmates to purchase these items from commissary. The proposed change will also ensure Section 1265 conforms to the recently enacted Section 1485 of Title 15 of the California Code of Regulations, which governs the same subject matter in the minimum standards for juvenile facilities. Most facilities already provide all feminine hygiene items at no cost to the inmate, and thus, there may be minimal operational and fiscal impact for facilities that do not.

PURPOSE

The Board of State and Community Corrections approved a proposal related to the issue of feminine hygiene products in adult local detention facilities. The proposal was a response, in part, to a lawsuit was filed in the Sacramento Superior Court against the Board, requesting the court order the Board to direct all counties to provide tampons to all adult female inmates free of charge. Plaintiffs’ counsel argued that counties were failing to provide tampons due to section 1265 of the Board’s regulations, which reads, in pertinent part, as follows: “Each female inmate shall be issued sanitary napkins and/or tampons as needed.”

Plaintiffs’ counsel agreed to dismiss the case with the understanding that the Board would consider conforming the current adult feminine hygiene regulation to the recently approved juvenile feminine hygiene regulation, as follows: “Each female inmate shall be provided with sanitary napkins, panty liners, and tampons as requested.” (See Cal. Code Regs., tit. 15, § 1485.)

This change will ensure consistency between the treatment of juveniles and adults in local detention facilities by ensuring that these items to be provided upon request. Board staff will develop inspection reports to monitor that feminine hygiene items are available upon request and without requiring inmates to purchase these items from commissary, i.e., a store operated pursuant to section 4025 of the Penal Code.

PROBLEMS THIS PROPOSED REGULATION SEEKS TO ADDRESS

The proposed regulation seeks to provided additional clarity on section 1265. Modifications were made with the intent of ensuring consistent treatment between

juveniles and adults in local adult facilities by ensuring that feminine hygiene products to be provided upon request and without requiring inmates to purchase these items from commissary.

BENEFITS ANTICIPATED FROM THE PROPOSED REGULATION

The BSCC anticipates several benefits from the proposed regulation adoption and amendment, including: Improved clarity and consistency in the treatment of juveniles and adults in local detention facilities; improved facility operations; improved communication between staff and inmates; and improved health and welfare of juveniles and adults in local detention facilities.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

BSCC did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of these regulations.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the BSCC.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The BSCC has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS.

The BSCC has determined that the proposed regulations would not have a significant statewide adverse economic impact directly affecting business because the regulations subject to this rulemaking are only applicable to the operation of juvenile detention facilities which are operated by county probation departments. The regulations do not affect private business.

ECONOMIC IMPACT ASSESSMENT PURPOSE

The BSCC is required by Penal Code Section 6030 adopt minimum standards for local detention facilities. The proposed revisions were made to provide necessary update to section 1265 on the issue of personal care items.

THE CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

The proposed amendments will not create or eliminate jobs within the state of California.

THE CREATION OF NEW BUSINESSES OR THE ELIMINATION OF EXISTING BUSINESSES WITHIN THE STATE OF CALIFORNIA

The proposed amendments will not create new businesses or eliminate existing businesses within the state of California.

THE EXPANSION OF BUSINESSES CURRENTLY DOING BUSINESS WITHIN THE STATE OF CALIFORNIA

The proposed amendments will not expand businesses currently doing business within the state of California.

BENEFITS OF THE REGULATIONS TO THE HEALTH AND WELFARE OF CALIFORNIA RESIDENTS, WORKER SAFETY, AND THE STATE'S ENVIRONMENT

The anticipated benefits from the proposed regulation adoption and amendment, include: improved clarity and consistency in the treatment of juveniles and adults in local detention facilities; improved facility operations; improved communication between staff and inmates; and improved health and welfare of juveniles and adults in local detention facilities.