

HB 120 is an important step in ensuring adequate, safe and hygienic access to menstrual products for incarcerated individuals in New Mexico.

1. ACCESS IS A FUNDAMENTAL RIGHT

Access to tampons and pads for incarcerated individuals is a fundamental right, not a privilege. Ensuring consistent availability and access to menstrual products is crucial, and it should never be a case where anyone has to beg for these necessities. Allocating specific funding exclusively for the purchase and distribution of these products within correctional facilities is a vital step towards maintaining dignity and health. Without sufficient access to menstrual products, incarcerated people face not only serious health risks but also degrading and dehumanizing experiences, exacerbating power imbalances.

2. THIS IS AN URGENT NEED

Incarcerated individuals often face a critical shortage of menstrual products, which are either insufficient in quantity or poor in quality. Additionally, these essential items are priced exorbitantly in the commissary, placing them out of reach for many. Forced to reuse products or resort to inadequate substitutes, individuals in these situations are exposed to significant health risks. These risks include repetitive reproductive tract infections, negative pregnancy outcomes, increased chances of STIs, cervical cancer, and toxic shock syndrome, which can be as severe as requiring a hysterectomy or, in extreme cases, lead to death.

Moreover, the lack of adequate menstrual hygiene products means risking bleeding through clothing, a situation that causes deep embarrassment and can lead to reluctance in participating in normal activities. This shortage not only impacts physical health but also affects mental well-being and self-esteem. It hinders the ability of incarcerated individuals to work, study, attend essential appointments, and engage in everyday activities, significantly diminishing their quality of life.

54

It would take an average incarcerated person 54 hours of work to afford just a single box of tampons at current pay rates.

3. AFFIRMING REPRODUCTIVE HEALTH AS A RIGHT

Correctional officers have, at times, used menstrual products as a means of punishment or coercion, withholding them to punish women or leveraging access to them in exchange for sexual favors, thus exposing incarcerated women to the risk of abuse or rape. It's imperative to secure funding, establish laws, and implement policies that guarantee the safe, affordable, and consistent availability of menstrual products for all who need them. Recognizing access to tampons and pads as a right rather than a privilege, this bill acknowledges menstrual products as a fundamental human necessity. It seeks to ensure that every individual can manage menstruation with dignity, free from shame and stigma, affirming their right to bodily autonomy, health, and hygiene.

33%

The US currently incarcerates more women per capita than any other country in the world. We have less than 5% of the world's women, yet nearly 33% of the world's incarcerated women, with numbers in New Mexico expected to rise in coming years.

For more information contact ACLU of New Mexico Reproductive Rights Policy Advocate Lena Weber-Salazar: lweber@aclu-nm.org