Office of the Ohio Public Defender

Elizabeth R. Miller, *State Public Defender*

House Bill 29 Proponent Testimony
Zachary Miller, Legislative Officer
Senate Government Oversight & Reform Committee
November 5, 2025

Chair Manchester, Vice Chair Brenner, Ranking Member Weinstein, and members of the Senate Government Oversight and Reform Committee:

On behalf of the Office of the Ohio Public Defender (OPD), thank you for the opportunity to submit proponent testimony on House Bill 29 (HB 29), which would require municipal, county, and state correctional facilities and institutions to provide to the women in their custody an adequate supply of feminine hygiene products at no cost. The OPD ensures that the constitutional rights of indigent Ohioans who become involved with the criminal justice system are protected, and we believe HB 29 represents a crucial step toward ensuring compassion and dignity for those under the care of Ohio's correctional facilities.

It is estimated there are between 3,000 and 4,000 women who are incarcerated in Ohio.[1] Currently, there is no statutory requirement or standard that compels Ohio's jails and prisons to provide feminine hygiene products to these women. While the Ohio Department of Rehabilitation and Corrections currently has a policy that requires these products to be provided to the women under its care at no cost, there are other correctional facilities in Ohio where access is not guaranteed. Furthermore, women are not afforded a legal remedy when these products are denied to them. This allows for the inconsistent administration of a basic hygienic necessity within correctional institutions and risks unsanitary conditions and health consequences to the women. Scarcity of these products could cause the women to use the products for longer than recommended leading to negative health outcomes or encourage them to barter for these products opening the door for potential abuses of power.

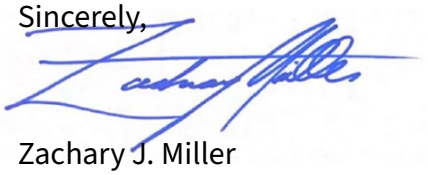
[1] https://www.acluohio.org/sites/default/files/field_documents/onthebasisofpunishment-womeninohioprisons_2022-0614.pdf

The denial of these products to incarcerated women also subjects the state and taxpayers to potential civil rights litigation. Federal courts have ruled that the failure to regularly provide incarcerated women with these products constitutes a denial of personal hygiene and sanitary living conditions, therefore a violation of the Constitution.[2] HB 29 addresses these issues by requiring all county and municipal correctional facilities and state correctional institutions, to provide an adequate supply of feminine hygiene products in a variety of sizes at no cost to the women under their custody. The bill further establishes standards for the disposal of these products and reasonable access to bathing facilities to those experiencing menstruation. Finally, HB 29 requires these facilities have a written policy and procedure that protects incarcerated women from being denied feminine hygiene products based on their race, sex, income status, degree of charge, disability status, or any other discriminatory identity. The annual costs and fiscal impacts of the bill will be based upon various factors. However, the costs to these facilities will likely be outweighed by the savings in clothing, healthcare, and litigation costs.

The OPD emphasizes that these feminine hygiene products are not a luxury item, but a necessary healthcare item. The General Assembly already recognized this distinction when it exempted these products from sales and use tax during the 133rd General Assembly. While this bill does not address private prisons, the OPD believes HB 29 is a step in the right direction in ensuring our government does not abuse its power by depriving those within its custody of some of the most basic healthcare essentials.

It is time for Ohio to join the 25 other states that have acted to ensure a standard of basic human dignity within their correctional facilities.[3] The OPD applauds the introduction of HB 29 and urges this body's support.

Sincerely,



Zachary J. Miller
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Office of the Ohio Public Defender

[2] *See Dawson v. Kendrick*, 527 F. Supp. 1252, 1288-1289 (S.D. W. Va. 1981); *Jackson v. Duckworth*, 955 F.2d 21, 22 (7th Cir. 1992); *Campbell v. Meachum*, 1996 U.S. App. LEXIS 29456, *11.
[3] https://www.acponline.org/advocacy/state-health-policy/advocacy-toolkit-period-poverty