

**Influencing the Spread of Prison Menstrual Laws:  
A Three Essay Analysis of Prison Menstrual Legislation**

by

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## Abstract

With the growth of women in prison reaching immense rates, states and their response to the unique needs of women prisoners are critical. Understanding what factors influence states to pass prison menstrual laws can inform policymakers in producing more equitable criminal justice policies and overall public policies. This research investigates the factors influencing the spread of prison menstrual laws through three distinct studies. Essay one focuses on external state factors, highlighting a connection between the passage of prison menstrual laws and the federal First Step Act and Medicaid expansion. Essay two employs quantitative analysis to examine internal state factors potentially influencing state law passage, revealing correlations between the presence of prison menstrual laws and a higher proportion of women prisoners, increased spending on state prisons, and having a traditionalistic political culture. Essay three, a case study of Alabama and Arkansas, identifies potential influences including external pressures, interstate emulation, and legislator gender. Overall, this comprehensive exploration provides insights into the potential factors shaping the adoption of state prison menstrual laws; or state laws regarding the access, availability, and affordability of menstrual products, encompassing aspects related to personal care, medical treatment, and healthcare interventions specific to menstruation-related symptoms of state prisoners.

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## List of Abbreviations

ACA	Affordable Care Act
ACLU	American Civil Liberties Union
ADC	Arkansas Department of Corrections
ADOC	Alabama Department of Corrections
CAWP	Center for American Women and Politics
CRIPA	Civil Rights of Institutionalized Persons Act
DOC	Department of Corrections
DOJ	Department of Justice
FDA	Food and Drug Administration
HB	House Bill
PREA	Prison Rape Elimination Act
SORNA	Sex Offender Registration and Notification Act
TSS	Toxic Shock Syndrome

## Chapter 1

### **Influencing the Spread of Prison Menstrual Laws: The External Mechanisms of States**

On December 21, 2018, the United State Congress passed the First Step Act (2018). The First Step Act (2018) is a broad prison reform bill, which includes a provision requiring all federal prisons to provide access to menstrual products to all incarcerated women. Passing of the First Step Act (2018) is one of the first times, if not the only, that the federal government, through federal law, has engaged in an action to regulate actions by prisons regarding treatment of women offenders. Having gone unregulated, and some would argue unenforced, federal and state prisons failed to enact policies to ensure menstruating women receive necessary menstrual products. While the federal government has passed the First Step Act (2018), many states have yet to pass prison menstrual policies, which threatens to continue the cycle of female prisoner abuse and human rights violations, given a documented history of the harm inadequate responses to menstruating prisoners have caused in state prisons.

As recent as 2020, just under 1.2 million women were under some form of correctional supervision such as prisons, jails, probation, and parole (Carson, 2021; Kaeble, 2021; Minton & Zhen, 2021). Nearly 75% of incarcerated women in prisons and jails are of childbearing age or between 18 and 44 (Bronson & Carson, 2019; Fazel & Baillargeon, 2011). Because these women are of childbearing age, experiencing monthly menstruation is highly probable. The National Institutes of Health (2017) defines menstruation (also commonly referred to as a period) as "...normal vaginal bleeding that occurs as part of a woman's monthly cycle...the menstrual blood is partly blood and partly tissue from inside the uterus" (p. 1). Menstruation cycles require responses including, but limited to, access to products to hold passing blood and tissue. Nevertheless, incarcerated women cannot access such products freely. As a result, incarcerated

women must rely on prison policies to allow them access to feminine products. They could face negative consequences for attempting to access these products without prison administrative supervision.

Experiencing monthly menstruation while incarcerated can result in extreme suffering, abuse, and a greater risk of severe infections (Bennett, 2017; Bostock, 2020; Bozelko, 2020; Greenberg, 2017; Seibold & Fienberg, 2019). With the long-standing knowledge of correctional ill-responses to menstruating prisoners, there are few if any studies to determine if this history is the impetus for the federal government and select states establishing prison menstrual laws.

Along with the federal government, several states, including Colorado in 2017, have passed legislation mandating non-private state prisons to provide prisoners access to menstrual products. Colorado was one of the first states to include monies for tampons in its state prison budgets while the states of Connecticut, Kentucky, Maryland, and Virginia subsequently passed legislation in 2018, mandating prisons and local jails to provide menstrual products to incarcerated women (Weiss-Wolf, 2018). The aforementioned states are unique in the policymaking process because their laws took effect before the federal government's prison menstrual law. The passing of legislation by the federal government with subsequent vertical diffusion model of policymaking by the states is common. However, the passing of menstrual-related legislation may also point to the rise in women incarcerated at state prisons. Furthermore, more women are housed in state prisons than in federal prisons. Some states' decisions such as developing a prison menstrual law may be a result of imitating what other state prisons have mandated to deal with this issue. While other states may have emulated the policies of the federal government, another form of action, such as the federal government's threats to takeover

state correctional system, has also contributed to such policies. Ascertaining the external state factors in influencing some states to pass a prison menstrual law is the impetus of this study.

A gender-specific policy such as prison menstrual laws is a research gap. The overarching question for this research is, “*What external factors influence the passage of state prison menstrual laws?*” Comparing factors, which influenced some states to pass a prison menstrual law with states without such laws, could reveal answers to essential questions regarding women's issues and state laws. Overall, this study attempted to ascertain which external state factors or mechanisms influenced the adoption of state prison menstrual laws. Overall, this research hinges on the state comparative politics and external factors of diffusion approaches to political science research.

## **Literature Review**

### **Defining State Prison Menstrual Laws**

This research refers to these laws collectively by the label "prison menstrual laws." Thus, prison menstrual laws encompass the following categories:

- access, availability, and or affordability of menstrual products
- personal care, medical care or health care related to the symptoms of menstruation; and
- personal care, medical care, or health care because of menstruation.

These listed variations of prison menstrual laws reflect the potential necessities of state prisoners who menstruate.

The lack of an overarching definition of such laws may imply there is a lack of consensus among and within states for such laws, and this lack of consensus may reflect the unpopularity of these laws. Furthermore, the varying content and context of such laws highlight individual state policies. As of 2019, only twelve states had passed prison menstrual laws (American Civil Liberties Union [ACLU], 2019). Today, in 2022, the number of states with prison menstrual laws

has increased to 23. There is little research on prison menstrual laws. Most research conducted on menstrual laws has covered menstrual policies related to tampon taxes, homeless shelters, schools, and prisons and jails combined (ACLU, 2019). To date, no state in the United States is mandated by the federal government to have legislation or laws addressing menstruating prisoners. There is neither a federal mandate nor federal incentives to support the adoption of a prison policy or law for menstruating women by states. This lack of support and/or research may emanate from gender-related biases.

### **State Laws and Women's Issues**

What constitutes a women's issue is not uniform among researchers. For example, some researchers have defined women's issues as those supported by the Congressional Caucus for Women's Issues (Dolan, 1998; Swers, 2005), the Institute for Women's Policy Research (Cowell-Meyers & Langbein, 2009), and the American Association of University Women (Frederick, 2011; Swers, 2005). However, women's issues can generally be operationalized as matters particular to women. They are issues that directly impact women, are of concern to women, or affect women (Reingold & Swers, 2011). Traditionally, these are issues or matters encompassing gender discrimination, children, families, abortion, women's health, childcare, welfare, and family leave (Volden et al., 2016). Arguably, many of the above-mentioned categories often involve the decisions of men. Historically, in the United States, these categories have been supported more so by women, involved in the voices, bodies, and behaviors of women, hence them being considered women issues.

Menstruation would fall under the umbrella of women's health, as the American Medical Association recognizes. Women's health has usually revolved around ovarian and breast cancer, menopause; pregnancy and childbirth; Also, conditions impacting female reproductive organs,

mammography, birth control, and gynecology are women-related conditions (National Library of Medicine, 2018). While there is not much research in the study of menstruation policies and laws other than research advocating for menstrual equity, there has been various research conducted on other defined women's issues related to women's health.

### **Women's Health**

Research on public policy regarding women's health has generally included studies on the impact of women legislators and state spending on healthcare, maternity leave, reproductive rights, including abortion, breast cancer as well as related women's health bills and policies (Alvarez, 1998; Bratton & Haynie, 1999; Cowell-Meyers & Langbein, 2009; Hellman, 1995; Little et al., 2001; Thomas, 1991). A great deal of this research suggests that if there is a more significant proportion of women legislators than men, policies regarding women's health are more likely to be on the political agenda of respective legislatures (Kathlene, 1995; Paxton et al., 2007; Paxton et al., 2020; Swers, 2020). The lack of overwhelming evidence highlighting women legislators' influence of the passage of women's health policies and laws may contribute the slow passing of menstrual laws.

According to Fazel and Baillargeon (2011), women and juvenile prisoners have higher rates of health problems, and incarcerated women have higher rates of cervical cancer. Two of the leading researched issues regarding women in prison and their health are treatment of incarcerated pregnant women (Baldwin et al., 2020; Taormina et al., 2022; Tusha, 2014) and women prisoner's sexual safety (Moss & Abbate, 2022). Menstruation, another women's health issue needing more research, remains limited.

## Menstruation

In the 1990s, policymakers pursued bills and laws promoting menstruation product safety and product warnings due to a wave of deaths from Toxic Shock Syndrome (TSS) (Vostral, 2018; Weiss-Wolf, 2020). TSS is a severe bacterial infection that can result from the use of tampons, a product used to absorb blood during menstruation. Although any woman who uses tampons can develop TSS, incarcerated women are at the most significant risk for TSS (Michaels, 2019). During the 1990s, the Food and Drug Administration (FDA) released a report detailing the toxins and contaminants in the elements used to make tampons (Fetters, 2015; Weiss-Wolf, 2020). U.S. Congresswoman Carolyn Maloney attempted to pass bills related to tampon safety and research. However, neither the federal government nor states advanced any bills related these topics. Weiss-Wolf (2020), a menstrual equity advocate, stated the following:

"Tampons and pads have not been designated as allowable budgetary expenses for publicly funded shelters or crisis and emergency centers; they are not provided in a consistent or fully accessible way in correction and detention facilities; menstrual products are not covered by public health and nutritional benefits programs; they are not made uniformly available in schools or workplaces; in 30 states (as of April 2020), menstrual products are not sales tax exempt; inconsistent tax classification status of menstrual products prevented them from being included in Health Savings or Flexible Spending Account allowances..." (p. 540).

As a result of the lack of tampon safety legislation, menstrual advocates chose to highlight the added costs of sales tax levied by states when it came to menstruation. Menstruation advocates started a movement to repeal the "tampon tax," which has gained popularity through the years. A *tampon tax* is a sales tax added to menstrual products by most



states. Weiss-Wolf (2020) reported, as of 2020, only ten states had no sales tax on menstrual products. Menstrual products, which are a medical necessity, have not had a sales-tax exemption in some states. Sales tax on menstrual products can range from 4-10%, depending on the state of purchase (Weiss-Wolf, 2020). This political strategy of imposing a sales tax on menstrual products was somewhat successful because "...arguments are straightforward for the general public, salient for the media, and manage to transcend partisan politicking" (Weiss-Wolf, 2020, p. 542). Between 2016 and 2018, the political effort to impose a sales tax on menstrual products resulted in 24 states adding the sales tax (Weiss-Wolf, 2020). However, the sales taxes imposed by states mostly remained because the movements to create menstrual laws and repeal of the sale taxes were unsuccessful. However, these efforts for menstrual equity for all women, including incarcerated women, garnered the attention of the public.

### **States and Incarcerated Women's Health**

Cowan (2019) and Okamoto (2018) highlighted that over half of all women incarcerated come from low-income backgrounds and environments, with over 48% of these women being unemployed at the time of their arrests (Mallicoat, 2018). Incarceration presents a challenge to women who must rely on prison-provided healthcare, and an even more significant challenge for those women who must rely on prison-provided menstrual products. While states govern non-private and non-federal prisons, institutional-created policies concerning healthcare are generally vague if these policies exist at all. Generally, incarcerated women receive the medical care and treatment levied by the state and prison facilities. Monthly periods, which require, at the very least, pads, tampons, or other products, are based on what the facility considers necessary. Therefore, access, availability, and distribution of these products may be sporadic. Typically, a male-led warden (the warden is the leader of a prison) determines what a facility deems as

necessary or needed as it pertains to menstrual products. To purchase additional needed products would require women to purchase such items from “marked-up,” or a cost inflated prison store (commissary) items sold in the prison (Bostock, 2020; Seibold & Fienberg, 2019).

### **Incarcerated Women and Legal Protections**

According to the U. S. Commission on Civil Rights (2020), "...women in U.S. prisons can face a particular challenge in a prison system not designed for them" (p. 3). Cahalan and Parsons (1986), Carson and Anderson (2016), and Minton and Zhen (2016) reported, despite a 645% increase in incarcerated women since 1980, states have done little to establish and reform prison laws for women. Instead, states appear only to do the bare minimum to uphold the civil and human rights laws established by the United States constitution. These laws offer some legal protections for the incarcerated, including women in state prisons, but the healthcare protections for women have been marginal (Leonard, 1983).

The 1960s marked an era of a "...political and legal movement" by prisoners (Leonard, 1983, p. 45). The United States Supreme Court ruled that prisoners within state correctional facilities could sue state officials in federal court for violations of constitutional rights (e.g., *Cooper v. Pate, 1963*). The U.S. Supreme Court ruling in *Cooper v. Pate (1963)*, which ruled that state prisoners have standing to sue in federal courts, was a massive win for prisoners, especially women prisoners. As supreme court rulings (*Robinson v. California, 1962; Johnson v. Avery, 1969; Estelle v. Gamble, 1976; Todaro v. Ward, 1977*) established that prisoners do not lose all their rights due to their incarceration status (Klein, 1979), including rights to minimal healthcare. *Estelle v. Gamble (1976)* established that any failure of a prison to provide treatment or respond to the medical needs of prisoners could result in pain, distress, and fatalities, which could be considered unnecessary and constitute a violation of the Eighth Amendment. This 1974

court case resulted in prisoners, including women, having the right to challenge prison facilities and even states regarding their treatment, including facilities' responses or non-responses to health-related matters. Many of the rulings were in response to male petitioners, and these rulings were based on male challenges to health and medical treatment and responses by prison officials. According to Leonard (1983), "...women in prison have not benefited from many of the rulings because court decisions have generally been limited to conditions in specific prisons..." (p. 489-490). The narrow focus on specific prisons generally means male petitioners have challenged prisons on conditions within their housed facilities, which are separate facilities from women. Thus, a ruling would favor the prison in which the male prisoner is housed, but not all prisons, including women's prisons, within a state system.

Although judicial rulings based on violations of constitutional rights are usually prison specific, these rulings or actions can establish a precedent. One purpose of this current study is to establish if this form of coercive diffusion is a factor in states establishing prison menstrual laws. For example, the ACLU aided women at the Muskegon County Jail in Michigan with suing the facility for human rights violations, with one allegation being a lack of menstrual products (ACLU, 2014). The lack of menstrual products caused women to bleed through their clothing (ACLU, 2014). Subsequently, a settlement was reached in this case. While the Muskegon County Jail may have made some changes to its policy regarding menstruating inmates, the state of Michigan, as of this research, has yet to institute a state prison menstrual law. However, such coercive rulings could have been the impetus for many other states to establish a prison menstrual law. These rulings also establish and highlight the unique needs of incarcerated women.

## **U.S. Commission on Civil Rights: Women in Prison**

Women inmates have distinct needs from male inmates. Despite that, the vast mistreatment of women inmates has been so pervasive, which prompted the United States Commission on Civil Rights to conduct extensive research. Also, the research led to a briefing report on the issue. The commission included reports on a range of issues experienced by incarcerated women, including "...deprivations of women's medical needs that may violate the constitutional requirement to provide adequate medical care for all prisoners; implementation of the Prison Rape Elimination Act (PREA)...disparities in discipline practices for women in prison compared with men..." (p. 5). The Commission on Civil Rights report found the following: correctional facilities are not designed or tailored for women; women's correctional facilities were mostly adopted from men's prisons; despite federal legal protections under the Civil Rights of Institutionalized Persons Act (CRIPA) (1997) and PREA (2003), women prisoners continue to experience physical and psychological harms; women prisoners are classified at higher security requirements and receive fewer educational and vocational opportunities; rape and sexual abuse are widespread in women facilities; and not all women facilities provide adequate healthcare specific to women.

A vital outcome of the commission's report is the recommendation that the Department of Justice "...continue to litigate enforcement of the civil rights of incarcerated women in states that violate these mandates and rights of incarcerated women" (p. 6). They further recommend that prisons implement policies that address the healthcare needs of women as constitutionally required. One of the goals of this research was to determine if the Department of Justice litigation, including consent decrees and lawsuits, has influenced states passing prison menstrual laws.

## **Diffusion of Criminal Justice Policies and Laws**

Criminologists have become more interested in how criminal justice policies diffuse across national and state lines (Jones & Newburn, 2005; Wemmers, 2005). Like this research, several criminologists, political scientists, and other researchers have sought to ascertain why select criminal justice policies are passed and become laws while other policies do not. According to Bergin (2011), studying criminal justice policy diffusion can enable researchers to "...gain more insight into the factors that affect the criminal justice policy-making process- an important advance as criminal justice policy-making remains an understudied research area" (p. 404). Studying criminal justice policies at the state level is important to this research because many criminal justices policies are developed and implemented at the state level (Jones & Newburn, 2005), and much research is available on criminal justice policy diffusion at the state level (Grossback et al., 2004; Williams, 2003). While there remains a lack in criminal justice and public policy research specific to women in prison, and more specifically prisoner menstrual health, menstrual equity, and menstrual product access and availability, this research relied on the availability of research conducted by criminal justice and public policy researchers, specifically general and seemingly more popular criminal justice policies and laws.

### **Research Question**

There are no federal mandates for any state in the United States to have legislation or laws surrounding women prisoners who menstruate. As such, researching the factors leading states to pass a non-incentivized and non-mandated law is warranted.

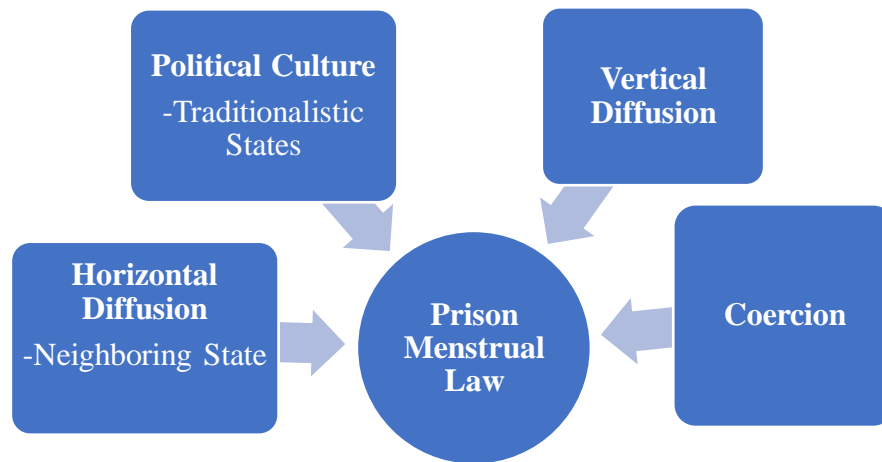
**Thus, in Chapter 1, the research question is:** What external factors influence the passage of state prison menstrual laws?

## Conceptual Model and Hypotheses

This study examined if four external state factors determined whether a state adopts a prison menstrual law. Those factors, which include horizontal diffusion, political culture, vertical diffusion, and coercion, comprised the independent variables. The presence of a prison menstrual law, or lack of a law, comprised the dependent variable. Figure 1 offers a conceptual model of this research.

**Figure 1**

*State Prison Menstrual Law Conceptual Model – External Factors*



### *State External Policy Mechanisms*

Opposite of the internal determinants model, which suggests states' passage of laws are based on internal state factors, is the external determinants model. The external determinants model poses that neighboring or regional state laws influence the passing of laws of other states. Berry and Berry (2007) argued that there are four ways in which policies spread across states: leader-laggard diffusion, horizontal diffusion, vertical diffusion, and coercive diffusion. This research focuses on the potential influences of horizontal diffusion, political culture, vertical diffusion, and coercive diffusion. The leader-laggard model was excluded from this study since

it "...assumes that certain jurisdictions are pioneers in the adoption of a policy and that other jurisdictions emulate these leaders" (Berry & Berry, 2007, p. 318). There are no determinants of "pioneers" to menstrual prison laws. Thus, as an external mechanism influencing passage, the leader-laggard model is not part of this research. Additionally, because of the arbitrary nature of defining regions within the United States, this research will instead look at Elazar's (1984) political culture as an external variable. One premise of political culture in the United States is it being mostly being shaped by clustered regions in the United States. Therefore, political culture as an external factor is viable for this study. However, it must be emphasized that clustered regions are not always geographically outlined meaning states near each other may not share in political culture.

The following sections summarize the relevant literature regarding the influence of external policy mechanisms (i.e., horizontal influence, political culture, vertical influence, and coercion) on the ratification of prison menstrual laws. Preceding each review of the variables, influenced by the literature, the hypotheses of the presenting research are shared.

**Horizontal Diffusion as the Independent Variable.** Sometimes referred to as regional diffusion, horizontal diffusion refers to the spread of policies and laws across states. According to Berry & Berry (2007) and Walker (1969), geographical proximity is a critical factor influencing policy diffusion. One reason states decide to emulate policies adopted by neighboring states is to shorten and streamline the decision-making process (Walker, 1969). Legislators opt to closely observe policies and laws drafted and passed by other states, emulating the policy as a solution to a problem or matter within their respective state. Legislators benefit from the proximity of states, whether bordering or regional, because proximity allows frequent communication between lawmakers of different states. The frequent communication between

lawmakers allows emulative and imitative legislative behaviors on issues (Rogers, 1993). For instance, if one state has an issue or matter, which another state has addressed through successful legislation, a state with a similar issue/matter might emulate the legislative process of the model state. Walker's (1969) research highlighted the adoption of new policies, bills, or laws modeled off other states. Other researchers have also highlighted these adoptions of policies, bills, and/or laws (Berry & Berry, 1990; Collier & Messick, 1975; Foster, 1978; Mooney, 2001).

Researchers have also highlighted the adoption of policies of neighboring and regional states by legislators of neighboring or regional states as a means of competition (Berry & Berry, 2007). For instance, a seminal study by Berry and Berry (1990) found that states without a gaming lottery were more likely to adopt a gaming lottery to prevent their state citizens from crossing the state border to purchase lottery tickets. Having its state lottery would mean the funds that citizens would pour into neighboring state lotteries could be redirected to the respective state. Adoption of policies as a means of competition was also supported in a study conducted by Peterson and Rom (1989). The researchers highlighted the increase in welfare benefits and resources by states, which encouraged welfare recipients to remain within the state instead of relocating to a neighboring state where welfare benefits and resources were higher, and resources were more available.

While most studies have found that states' diffusion by geographic proximity happens, some studies have also found the opposite, that is diminished horizontal diffusion (Canon & Baum, 1981; Jensen, 2004). Winder and LaPlant (2000), for example, highlighted the diffusion of tobacco lawsuits. The researchers found that horizontal diffusion had been diminished due to a rise in other state communication channels. States no longer have a limited option of communicating with neighboring or regional states on issues, particularly on how to solve them.



Some states have more communication with advocacy groups, large associations, interest groups, and organized national conferences sponsored by large corporations, which provide the communication needed to inform decision making on what's needed for their respective state, regardless of how another state has handled a matter.

Some researchers have found geographic proximity to be associated with the diffusion of criminal justice policies across states, including the diffusion of domestic terrorism laws (Chamberlain & Haider-Markel, 2005), hate crime policies (Allen et al., 2004; Soule & Earl, 2001), and confinement of sex offenders (Sutherland, 1950). While the early public policy literature has supported geographic proximity as having a strong association with state policy diffusion (Berry & Berry, 1990; Daley & Garand, 2005; Lutz, 1987; Walker, 1969), recent criminal justice research has not found consistent strong evidence on geographic proximity and policy diffusion (Bergin, 2011; Karch, 2007; Mooney, 2001). The mixed results of strong geographical proximity versus weak geographical influence warrant further study and research. However, because of the criminal justice literature, and given the low salience of prison menstrual laws, the following hypotheses is tenable for this research:

**Hypothesis 1:** A state is more likely to pass a prison menstrual law if at least one of the state's neighboring states passed a prison menstrual law in that same year or earlier.

**Political Culture as the Independent Variable.** Elazar's (1984) concept of political culture is established by an understanding of how social and historical factors have shaped state identity and political values. Overall, Elazar's approach highlights the connections between politics, culture, and tradition in the United States. While Elazar's approach draws attention to defining characteristics of states by dividing into clusters, the clustering of the states are not

always clearly defined by geography such as proximity, specifically neighboring states or states within a U.S. Census defined geographical region.

Several existing studies suggest that state legislation and laws are related to its political culture (Elazar, 1984). Elazar's (1984) seminal work on political culture classified the division of the United States into three political cultures: individualistic, moralistic, and traditionalistic. According to Elazar (1984), these cultures could explain the variation in state programs, policies, and laws. These political cultures are deeply rooted in the geographical region of where states are and the historical attitudes, values, and views of the residents of these areas. However, this is not always the case; thus, geography has been dismissed as a definitive means of defining political cultures. This is primarily because migration patterns of constituents shift and cannot always be explained. To add, regions in the United States have been arbitrarily defined by researchers. During Elazar's (1984) original research, geography broken into subregions resulted from historic immigration patterns and thus formed his unique three political subcultures. Political culture subgroups are not mutually exclusive as some states show a combination of another or all three cultures.

Extensive studies and research in comparative state policy have used political culture as an explanatory variable (Johnson, 1976; Lieske, 1993;). For instance, researchers found political culture to be a sole or contributing determinant of state spending (Johnson, 1976; Koven & Mausolff, 2002; Miller, 1991); public policy (Lowery & Sigelman, 1982); state innovation (Fitzpatrick & Hero, 1988); and welfare reform (Mead, 2004; Meyers et al., 2001). Related to criminal justice policies, Williams (2003) found that political culture was significant concerning the death penalty.

In the second study in this series of studies on prison menstrual laws, states deemed as having a traditionalistic political culture were dominantly southern states. This culture is aligned with the belief that government is led and controlled by societal elites to maintain social order (Elazar, 1984). Further, the belief is that government should be limited in how it interferes with the lives of the public. Because of this belief in limited government, it came as a surprise in the second study that prison menstrual laws were prevalent. Because traditionalistic culture is primarily dominant in southern states, this study uses political culture, specifically traditionalistic culture as an alternative to looking at the cluster of states in U.S. Census defined regions. Given that the second study in this series found that states in the southern region of the United States were more likely to have prison menstrual laws, the following hypothesis is tenable for this research:

**Hypothesis 2:** A state is more likely to pass a prison menstrual law if it is a traditionalistic state.

**Vertical Diffusion as the Independent Variable.** Vertical diffusion is the spreading of state policy because the federal government adopted the policy. States may feel pressured by the federal government, or states may be incentivized to institute a similar law (Allen et al., 2004). Incentivization is possibly the most influential in state policymaking, as established by research (Dubnick & Gitelson, 1981; Eyestone, 1977; Hamilton & Wells, 1990). Gray (1973) researched the influence of state policy action and responses based on federal government stimulation. Gray (1973), along with other researchers, found that the diffusion of state policies based on the influence of the federal government in the form of mandates and funding was positively correlated (Welch & Thompson, 1980). Welch & Thompson's (1980) study found that financial incentives by the federal government stimulated the rapid diffusion of policies and laws through the states. Soss and colleagues (2001) found that states followed a national law regarding welfare

policies. A few examples of federal mandates that have resulted in state laws include same-sex marriage laws that require states to allow for same-sex marriages; the Voting Rights Act of 1965, which once mandated laws and policies regarding states and voting; Clean Air and Clean Water Acts that require state laws and policies governing clean air and water standards; and the Sex Offender Registration and Notification Act (SORNA) requiring all states to enact sex offender registration and notification laws and policies. While the policies are federal mandates requiring states to develop such policies and laws, vertical diffusion can also result from non-mandated or optional policy and law adoption by states.

Some laws are not federally mandated for states to follow. Instead, the federal government can incentivize states to pass specific laws. The federal government can also pass a law, and states can choose to voluntarily adopt a similar law. According to Allen and colleagues (2004), "the national government can influence state policymaking when it sends strong, clear signals to the states concerning its preferences and the potential for future action" (p. 318). With the passage of the First Step Act in 2018, a federal law that includes a mandate for all federal prisons to provide menstrual product access and availability to prisoners, this research determines if a correlation exist between the passage of this national law and those states passing a prison menstrual law.

Unfortunately, vertical diffusion has not been widely studied as horizontal diffusion. Only a few studies in criminal justice and public policy disciplines have looked solely at vertical diffusion (Allen et al., 2004; Karch, 2006; Shipan & Volden, 2008; and Karch, 2012). As such, a number of studies by criminologists and political scientists focusing solely on vertical diffusion and criminal justice policies are very few. However, this research hinges on the outcomes of research on various topics related to vertical diffusion since a large amount of research across

disciplines supports the notion of the federal government's influence on state policymaking. A great deal of this research rests on the financial incentives of states passing laws with national government origins (Howell & Magazinnik, 2019; Welch & Thompson, 1980); inclusive of environmental policy (Clark & Whitford, 2011; Daley & Garand, 2005; Diamond, 2009); welfare reform (Albritton, 1989) and truth-in-sentencing laws (Allen et al., 2004). The following hypothesis is tenable:

**Hypothesis 3:** A state was more likely to pass a prison menstrual law after Congress passed the First Step Act in December 2018 than previously.

**Coercion as the Independent Variable.** Coercion as an external mechanism of diffusion is when "government *A* is coerced into adopting a policy when a more powerful government, *B*, ...in the extreme case forces *A* to adopt" (Berry & Berry, 2007, p. 259). Coercive pressure can occur from within the state from political actors such as advocacy groups and organizations that can influence states to adopt new policies (Dobbin et al., 2007). Coercive pressure can originate from legal mandates, threats, the federal government, or even organizations for a state to add, reduce, or eliminate resources and services (Mizruchi & Fein, 1999). Researchers Braun and Gilardi (2006) explained that coercion "...alters the relative size of payoffs associated with policy alternatives while the policymakers' perception of their effectiveness may remain the same" (p. 310). Some researchers have regarded coercive action as pressure that forces states to change (DiMaggio & Powell, 1983). Coercive action can include incentives and grants (Church & Heumann, 1992; Giblin, 2006; Maxwell, 1952). Nevertheless, some coercive pressures, as alluded to earlier, can be extreme and hinge on potential punitive consequences, should policy change not occur. One such coercive action against state prisons is the threat of federal takeover or control of prisons if changes to policies or improvements do not occur. Typically, the Department of Justice (DOJ) can take legal action against states if a state

prison or the state prison system violates the Constitution as it relates to prisoners living conditions, medical treatment/care, and cases of abuse or neglect (Deitch, 2009). The DOJ can file a lawsuit to force change, or the DOJ can allow the prison or state prison system to make changes through a voluntarily consent decree (Deitch, 2009). A *consent decree*, as in pertains to this research, is an agreement to avoid civil litigation between the federal government and the State Department of Corrections. One premise of this research is to determine if coercive action by the Department of Justice on state prisons influences the passage of prison menstrual laws.

There are few previous studies specific to the Department of Justice and the effects of coercive action against state prisons (Chanin, 2012). Some studies have looked at factors that influenced the implementation of policies or rules at law enforcement agencies and correctional centers (Bazemore et al., 1994; Castellani, 1992; Holt, 1998; Kupferberg, 2008; Lin, 2000; McMickle, 2003; Rudes, et al., 2011; Stone, Foglesong, & Cole, 2009). Although these studies have mostly looked at juvenile detention centers, they have primarily resulted in policy change due to coercive action. To add, while studying reform in juvenile correctional centers, Barton (1994) highlighted factors influencing policy change, which included legislation, incentives, and external oversight. Dale and Sanniti (1993), in their case study of a juvenile detention center in Fort Lauderdale, found that settlements, more so than consent decrees, influenced institutional policy change.

Based on the research, coercive action as it relates to state prisons, can be state settlements, consent decrees, entered upon legal agreements, or lawsuits, prompted by state actions. These coercive acts can be initiated by the DOJ, current prisoners, and former prisoners. Considering the limited literature and research on coercive influence on prisons, the following hypothesis is tenable:

**Hypothesis 4:** A state that has a history of coercive action against one or more of its prisons is more likely to pass a prison menstrual law.

### **Research Methods**

According to Gray et al. (2018), "because states are similar in many important respects, it is possible to identify differences in geography, population, and economy that account for differences in their political institutions and that help explain why states differ in the policies they enact" (p. xi). Therefore, for this research, comparative state policymaking is used to make state comparisons regarding external state factors that may have influenced the passage of a prison menstrual law. When doing comparative analysis, similarities and differences in state policies studying potential external state influences such as regional diffusion, vertical diffusion, and coercive diffusion are examined (Berry & Berry, 2007).

### **Unit of Analysis**

In this study, the unit of analysis is a state. This study solely examines if a state has a prison menstrual law (yes) or not (no). Consistent with other research including research done by major institutions and organizations, the 48 contiguous states were analyzed in this study. Alaska and Hawaii were excluded from the analysis because data on some independent variables were unavailable for those states and would potentially, although minimally, skew the data. The overall results are generalizable to the population studied as data are captured from 48 of the 50 states.

### **Dependent Variable**

The dependent variable in this study is whether a state has adopted a prison menstrual law, coded "0" for "no" and "1" for "yes." The acquired data for that variable were captured in two ways. First, a 2019 study by the American Civil Liberties Union (ACLU) was consulted. That study revealed the existence of state menstrual laws related to tampon taxes, homeless

shelters, schools, prisons, and jails. That study also found that 12 states had laws that specifically or vaguely mentioned menstruation and prison. Those 12 states were as follows: Alabama, California, Colorado, Connecticut, Florida, Kentucky, Louisiana, Maryland, New York, Tennessee, Texas, and Virginia. In 2022, after consulting with the ACLU, the ACLU's approach to finding the existence of state prison menstrual laws was replicated. This was conducted by entering in a Google® search the terms "menstruation" and "prison" and by checking states' electronic databases of legislation and laws to identify states that had passed prison menstrual laws since 2019. The researcher found 11 more states had passed prison menstrual laws. These 11 states were comprised of: Arizona, Arkansas, Delaware, Maine, Minnesota, Mississippi, Missouri, New Jersey, North Carolina, Oregon, and South Carolina. As of the completion of this research, 23 states have a prison menstrual law.

## **Independent Variables**

### ***Horizontal Diffusion***

**Neighboring States.** Neighboring states are defined as the proportion of a state's bordering neighbors that have a state prison menstrual law. Each state in which a bordering or "touching" state did not have a prison menstrual law was coded "0" for "no" and "1" for "yes," or having a prison menstrual law. The research utilized data from the ACLU (2019) and the Prison Flow Project (Vishniac, 2022).

### ***Political Culture***

This study looked at states with a traditionalistic political culture identity. This study utilizes data from Elazar's study of state political culture in 1966 (Elazar, 1984). Each state was coded "0" for "no," or not being a traditionalistic state and coded "1" for "yes," or being a traditionalistic state.



### ***Vertical Diffusion***

Vertical diffusion is defined as the proportion of states that created a prison menstrual law after the passage of the First Step Act of 2018. Each state was coded “0” for “no,” or not having a prison menstrual law and coded “1” for “yes,” or having a prison menstrual law after the year 2018. The research utilized data from the ACLU (2019) and the Prison Flow Project (Vishniac, 2022).

### ***Coercion***

Coercive diffusion is defined as the proportion of states that created a prison menstrual law after any form of coercive action including state settlements, consent decrees, entered upon legal agreements, or lawsuits . Each state was coded “0” for “no,” or no history of coercive action and coded “1” for “yes,” or having a history of at least one coercive act. The research utilized data from the ACLU (Hoeppe, 2020), Department of Justice (1999, 2004, 2006, 2015, 2021), *Prison Legal News* (Clarke, 2019; Rigby, 2000), *Truthout* (Dolinar, 2022), and the U.S. Commission on Civil Rights (2020).

### **Control Variables**

The present research sought to determine the factors that influence the passage of state prison menstrual laws by examining four distinct hypotheses-based models as presented. Several control variables were considered to account for other potential influences on the outcomes of this study. State female prisoner population, state female legislators, state prison expenditures, state Medicaid expansion, and Donald Trump voters in the 2016 presidential election were the control variables in this study.

### ***State Female Prisoner Population***

To date, there is no federal mandate for states to have legislation supporting menstrual equity or menstrual health responses, including access and availability of menstrual products (Seibold & Fienberg, 2019). However, the number of female prisoners in each state may affect the urgency of state legislators to support and pursue prison menstrual laws since presumably the more women in prison, the more the need for menstrual care will increase. There has been a substantial growth rate of incarcerated women in the United States between 1985 and 2014 (The Sentencing Project, 2018). State female prisoner population is defined as the percentage of women prisoners in each state. This research utilizes data from the Bureau of Justice Statistics from 2021 (Carson, 2022).

### ***State Female Legislators***

Having a greater percent of women legislators as part of the legislature could impact the prioritization of laws surrounding women's health issues such as prison menstrual laws. Women legislators have a history of supporting laws related to women issues (Cowell-Meyers & Langbein, 2009). Women as state representatives are more likely than men to give precedence to bills associated with a reduction in gender discrimination (Bratton & Haynie, 1999); education (Bratton & Haynie, 1999; Thomas, 1991; Thomas, 1992); women, children, and families (Thomas, 1991; Thomas, 1992); and health care, medical services, and social services (Bratton & Haynie 1999; Little et al., 2001; Thomas, 1991; Thomas, 1992). Women legislators are defined as the percentage of women legislators in each state. This research utilizes data from the National Conference of State Legislatures from 2020 (National Conference of State Legislatures, 2020).

### ***State Prison Expenditures***

State budgets can provide a look at the financial wealth of a state. The economic characteristics of states assume that the wealth of a state influences the adoption of new laws because of the availability of resources (Gray, 1973; Walker, 1969). The economic characteristics of states also assumes that larger states are wealthier and will have the more significant economic freedom to adopt policies that require financial resources more so than smaller states. Despite the rise in prison populations, including women prisoners, many states have sought to reduce spending on prison incarceration (McKillop, 2017). Therefore, reductions in spending or limited amount of money spent on prisons can influence prison menstrual law passage. State prison expenditures are defined as the percentage of a state budget that is spent on prisons. The data for this variable were collected from a 2019 United States Census Bureau report, which contain aggregated amounts of state spending on prisons (United States Census Bureau, 2019).

### ***State Medicaid Expansion***

State Medicaid expansion serves as a proxy for broader state health policy attitudes and spending, possibly affecting the passing of prison menstrual laws. State Medicaid expansion is defined as the status of each state's decision to expand its Medicaid program under the Patient Protection and Affordable Care Act (ACA). In this study, states were classified as either having expanded Medicaid or not as of 2020. Data for this control variable were collected from the Robert Wood Johnson Foundation's Urban Institute (Simpson, 2020).

### ***Trump Voters in the 2016 Election***

The number of votes in each state for Donald Trump during the 2016 presidential election represents the conservative or liberal leaning of the state, which may influence the willingness of

a state to consider and formulate laws surrounding incarcerated women's menstrual health. Trump voters in the 2016 election refers to the percentage of votes received by former President Donald Trump in each state during the 2016 United States Presidential Election. Data for this control variable data were collected from the American Presidency Project (Woolley & Peters, 2016).

## **Data Analyses**

### **Sample Demographics**

This quantitative study examined the adoption of prison menstrual laws of 48 U.S. states on to date.

### **Quantitative Analysis**

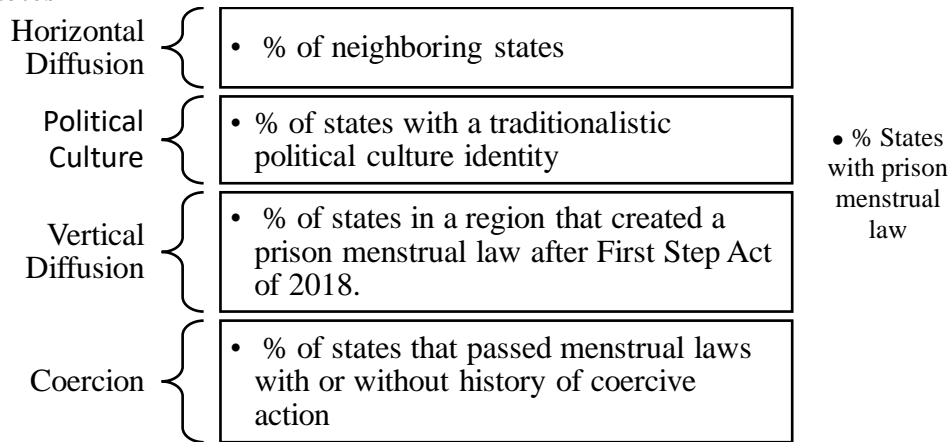
To answer the research question on what external state factors correlate with the diffusion of prison menstrual laws, four independent variables were considered. Categorically, the four independent variables entailed horizontal diffusion, political culture, vertical diffusion, and coercion that could influence or be associated with whether a state has adopted prison menstrual laws, while controlling for the following variables: state female prisoner population, number of female state legislators, state prison expenditures, state Medicaid expansion, and number of voters for Donald Trump in the 2016 presidential election.

### ***Descriptive Statistics***

The four variables that contributed to assessing research question one for this study are presented in Figure 2. Since the variable description asks whether a state has a menstrual law or not, given that there are 48 states in the sample, we can determine the percentage of states based on the frequency of states that were categorized as either yes or no as a nominal variable.

**Figure 2**

*Study Variables*



In the sample of 48 states, 23 (48%) have at least one prison menstrual law and 25 (52%) do not have any prison menstrual laws. Neighboring states represent horizontal diffusion in this study. Most of the states with a prison menstrual law (14, 63%) have a neighboring state with a prison menstrual law. A portion of the states with a prison menstrual law have a traditionalistic political culture identity (7, 31%). Vertical diffusion describes states in a region that created a prison menstrual law after the passage of the First Step Act of 2018. Of the states with a prison menstrual law, (7, 29%) passed their law post passage of the First Step Act (2018). The last external factor, coercion, is represented by the percentage of states that passed menstrual laws based on their history of coercion. This history of coercion is defined as the proportion of states that created a prison menstrual law after any form of coercive action, specifically lawsuits and settlement agreements. Under half the states with a prison menstrual law had a history of coercive action against its prisons (10, 42%). A summary of the descriptive statistics for the study variables are provided in Table 1.

**Table 1***Descriptive Statistics for Study Variables*

Variable	Mean	Std. Deviation	N
State has menstrual law (DV)	.48	.505	48
H1. Neighboring state	.63	.489	48
H2. Political Culture - Traditionalistic	.3125	.46842	48
H3. Post First Step Act (2018)	.29	.459	48
H4. Coercive Act	.42	.498	48

**Correlations**

The Pearson's Correlation Coefficient Value (r) is a measure of the strength and direction of the association between two variables. The correlation coefficient can take values from +1 to -1, in which there is a perfect positive (+1) or perfect negative (-1) association. A correlation coefficient of zero (0) indicates no association. Therefore, weak associations are closer to a zero (0) correlation coefficient; strong associations are closer to positive or negative one (1). The Pearson's correlation was conducted using a 95% confidence interval ( $p < .05$ ) to determine the significance of the associations between the study variables. Table 2 presents the correlation coefficients and significance results for each study variable.

**Table 2***Correlations for Study Variables*

Variable	Menstrual Law	
	Pearson's R	p
H1. Neighboring State	.054	.716
H2. Political Culture	.253	.083
H3. Post First Step Act	.669	<.001*
H4. Coercive Act	.204	.163

n=48, \*p <.05

## *Inferential Statistics*

A binomial logistic regression was performed to determine the effects of five control variables (State female prisoners, female legislators, state prison expenditures, Medicaid expansion, and percentage of 2016 Trump voters) on the likelihood that states will pass prison menstrual laws when there is at least one neighboring state that has already passed prison menstrual laws. Logistic regression was conducted at the 95% confidence level ( $p < .05$ ).

A binomial logistic regression attempts to predict the probability of a dichotomous dependent variable based on the independent variables and control variables. In this study, four models were tested to predict the probability of whether there are prison menstrual laws in a state. For this inferential test, the dependent variable is the presence of prison menstrual laws given its dichotomous nature.

## **Results**

For each hypothesis, the specific assumptions and test results are presented.

**Testing of Hypothesis 1:** *A state is more likely to pass a prison menstrual law if at least one of the state's neighboring states passed a prison menstrual law in that same year or earlier.*

A Pearson Correlation Coefficient was computed to determine the relationship between having at least one neighboring state with a prison menstrual law and passage of a prison menstrual law. The results indicate an insignificant positive relationship between having at least one neighboring state with a prison menstrual law and passage of a prison menstrual law,  $r(48) = .054, p = .716$ . Based on the results of the correlation test, having a neighboring state with a prison menstrual law is not significantly correlated to states passing prison menstrual laws.

A binomial logistic regression was performed to determine the effects of five control variables (State female prisoners, female legislators, state prison expenditures, Medicaid

expansion, and percentage of 2016 Trump voters) on the likelihood that states will pass prison menstrual laws when there is at least one neighboring state that has already passed prison menstrual laws. The logistic regression model was not statistically significant,  $\chi^2(6) = 2.529$ ,  $p > .001$ . The model explained 68.0% (Nagelkerke  $R^2$ ) of the variance in states passing prison menstrual laws and correctly classified 65.0% of cases. Of the five predictor variables, none were statistically significant (as shown in Table 3).

**Table 3**

*Coefficients for Model 1, Neighboring State*

Variable	B	SE	Wald	df	Sig.
Constant	4.946	4.087	1.465	1	.226
At least 1 Neighboring State	.037	.720	.003	1	.960
State Female Prisoner Population	.000	.000	.005	1	.946
Percent Of Female State Legislators	-.055	.062	.776	1	.378
State Prison Expenditures	-.042	.623	.005	1	.946
Medicaid Expansion	-.612	.687	.794	1	.373
% of Trump Voters in 2016 Election	-.065	.047	1.944	1	.163

n=48,  $p < .05$

**Testing of Hypothesis 2:** *A state is more likely to pass a prison menstrual law if it is a traditionalistic state.*

As with hypothesis one, a Pearson Correlation Coefficient was conducted to determine the relationship between being a traditionalistic state and passage of a prison menstrual law. The results indicate an insignificant positive relationship between being a traditionalistic state and passage of a prison menstrual law,  $r(48) = .253$ ,  $p = .083$ . Based on the results of the correlation test, being a traditionalistic state is not significantly correlated to states passing prison menstrual laws.

Following the correlations test, a binomial logistic regression was performed to determine the effects of each of the five control variables on the likelihood that states will pass prison



menstrual laws due to a traditionalistic political culture. The logistic regression model was not statistically significant,  $\chi^2(6) = 7.505$ ,  $p > .001$ . The model explained 19.3% (Nagelkerke  $R^2$ ) of the variance in states passing prison menstrual laws and correctly classified 67.0% of cases. Of the five predictor variables, none were statistically significant (as shown in Table 4).

**Table 4**

*Coefficients for Model 2, Political Culture - Traditionalistic*

Variable	B	SE	Wald	df	Sig.
Constant	5.531	3.911	2.000	1	.157
Political Culture - Traditionalistic	1.669	.797	4.390	1	.036
State Female Prisoner Population	.000	.000	.082	1	.775
Percent Of Female State Legislators	-.046	.061	.565	1	.452
State Prison Expenditures	.051	.645	.006	1	.938
Medicaid Expansion	-.631	.714	.781	1	.377
% of Trump Voters in 2016 Election	-.096	.050	3.696	1	.055

n=48,  $p < .05$

**Testing of Hypothesis 3:** *A state was more likely to pass a prison menstrual law after Congress passed the First Step Act in December 2018 than previously.*

For the third hypothesis test, a Pearson correlation coefficient was also computed to determine the relationship between Congress' passage of the First Step Act in December 2018 and state passage of a prison menstrual law. The results indicate a significant positive relationship between Congress' passage of the First Step Act in December 2018 and state passage of a prison menstrual law,  $r(48) = .669$ ,  $p < .001$ . Based on the results of the correlation test, states were more likely to pass state prison laws after the passage of the Post First Step Act in 2018. Passing a law after the passage of the First Step Act (2018) was the only variable that showed significant correlations to states passing prison menstrual laws.

A binomial logistic regression was performed after the correlations test to determine the effects of five control variables on the likelihood that states will pass prison menstrual laws due

to the passage of the First Step Act in 2018. The logistic regression model was statistically significant,  $\chi^2(6) = 33.05, p < .001$ . The model explained 66.4% (Nagelkerke  $R^2$ ) of the variance in states passing prison menstrual laws and correctly classified 81.3% of cases. Of the five predictor variables, only one was statistically significant: Medicaid Expansion (as shown in Table 5).

**Table 5**

*Coefficients for Model 3, Post First Step Act (2018)*

Variable	B	SE	Wald	df	Sig.
Constant	9.739	6.387	2.325	1	.127
Post First Step Act (2018)	23.075	10179.654	.000	1	.998
State Female Prisoner Population	.000	.000	.046	1	.831
Percent Of Female State Legislators	-.171	.104	2.674	1	.102
State Prison Expenditures	-.112	.880	.016	1	.898
Medicaid Expansion	-.134	.068	3.873	1	.049
% of Trump Voters in 2016 Election	-.065	.047	1.944	1	.163

n=48, p<.05

**Testing of Hypothesis 4:** *A state that has a history of coercive action against one or more of its prisons is more likely to pass a prison menstrual law.*

For the final hypothesis and following the same testing procedures, a Pearson Correlation Coefficient was computed to determine the relationship between coercive action against one or more prisons in a state and passage of a prison menstrual law. The results indicate an insignificant positive relationship between having a history of coercive action and passage of a prison menstrual law,  $r(48)=.204, p=.163$ . Based on the results of the correlation test, a state having a history of a coercive action against one or more of its prisons is not significantly correlated with states passing prison menstrual laws.

Finally, a binomial logistic regression was performed to determine the effects of the five control variables on the likelihood that states will pass prison menstrual laws due to coercive

action. The logistic regression model was not statistically significant,  $\chi^2(6) = 4.741, p > .001$ .

The model explained 12.5% (Nagelkerke  $R^2$ ) of the variance in states passing prison menstrual laws and correctly classified 58.3% of cases. Of the five predictor variables none, were statistically significant (as shown in Table 6).

**Table 6**

*Coefficients for Model 4, Coercive Act*

Variable	B	SE	Wald	df	Sig.
Constant	5.268	3.843	1.879	1	.170
Coercive Act	.956	.654	2.136	1	.144
State Female Prisoner Population	.000	.000	.058	1	.809
Percent Of Female State Legislators	-.072	.061	1.414	1	.234
State Prison Expenditures	-.236	.659	.128	1	.721
Medicaid Expansion	-.063	.047	1.779	1	.182
% of Trump Voters in 2016 Election	-.065	.047	1.944	1	.163

n=48, p<.05

## Conclusion

Based on the findings from series of descriptive statistics and inferential tests on this study's sample, the following presents the collective results applicable to the research question:

<b>RQ1.</b>	<b>Results</b>
<b>H<sub>1</sub>.</b> States are more likely to pass a prison menstrual law if at least one of the state's neighboring states passed a prison menstrual law in that same year or earlier.	For H <sub>1</sub> , the descriptive results indicate that most states with a prison menstrual law have at least one neighboring state with a prison menstrual law. Neither the correlations test nor the logistic regression model produced significantly significant results. Therefore, we fail to reject the null hypothesis.
<b>H<sub>2</sub>.</b> A state is more likely to pass a prison menstrual law if it is a traditionalistic state.	For H <sub>2</sub> , the descriptive results indicate that less than half the states with a prison menstrual law have a traditionalistic political culture identity. Neither the correlations test nor the logistic regression model produced significantly significant results. Therefore, we fail to reject the null hypothesis.
<b>H<sub>3</sub>.</b> A state was more likely to pass a prison menstrual law after Congress passed the First Step Act in December 2018 than previously.	For H <sub>3</sub> , the descriptive results indicate that less than half the states passed a prison menstrual law after the passage of the First Step Act of 2018. The correlations test produced <i>statistically significant</i> results and positively correlated to states passing prison menstrual laws. The logistic regression model was <i>statistically significant</i> along with the Medicaid expansion predictor variable. Therefore, we reject the null hypothesis.
<b>H<sub>4</sub>.</b> A state that has a history of coercive action against one or more of its prisons is more likely to pass a prison menstrual law.	For H <sub>4</sub> , the descriptive results indicate that less than half the states with a prison menstrual law had a history of coercive action against its prisons. Neither the correlations test nor the logistic regression model produced significantly significant results. Therefore, we fail to reject the null hypothesis.

In summary, this chapter presented the results of this quantitative study on what external factors that may have influenced passage of state prison menstrual laws. For this research question, there were four hypotheses, one of which, (H<sub>3</sub>), was supported by descriptive and inferential results.

Hypotheses one and two, which examined the impact of having a neighboring state with a prison menstrual law and states with a traditionalistic political culture, respectively, were not supported by the findings. The results of the descriptive statistics, correlation testing, and logistic regression did not demonstrate a significant relationship, suggesting that the presence of neighboring states with a prison menstrual law and states with a traditionalistic political culture is not influential in a state's decision to pass prison menstrual laws.

In contrast, hypothesis three, which proposed that the passage of the First Step Act of 2018 would increase the likelihood of states passing prison menstrual laws, was supported by statistical testing. The correlations test and the logistic regression model yielded a significant relationship between the passage of the First Step Act of 2018 and passage of prison menstrual laws, indicating a strong influence of vertical diffusion on states' decisions to pass prison menstrual laws. Additionally, the control variable, Medicaid expansion, also showed a significant relationship with the adoption of prison menstrual laws.

Hypothesis four, which suggested that states with a history of coercive action against one or more of its prisons would be more likely to pass prison menstrual laws, was not supported by the findings. The statistical analysis did not yield significant results, indicating that a history of coercive action did not play a role in the adoption of prison menstrual laws.

This study is the first in a series of three studies that is unique in its focus on a public policy targeting women outside of abortion (Kreitzer, 2015), welfare (Volden, 2021), and domestic violence (Schiller & Sidorsky, 2022). This study looked specifically at state external factors that have influenced state prison menstrual laws, which are markedly exclusive to women. Based on the results of this study, the overall research question that questions if external factors influence passage of prison menstrual laws is inconclusive since only one of the four

factors were found influential. Nonetheless, this research does add to the diffusion literature on women incarcerated and distinct policies outside of pregnancy and sexual safety. This study found that there appears to be some influence by Congress' passage of the First Step Act (2018) and Medicaid expansion.

While this study did not find horizontal diffusion, having a traditionalistic political culture, or having a history of coercive action against state prisons had any influence on prison menstrual law passage, the performance of correlation testing and logistic regression to find the effects of post- First Step Act of 2018 (vertical diffusion) and Medicaid expansion, did result in statistical significance; highlighting the influence of federal legislation and healthcare on the adoption of prison menstrual laws.

### **Limitations**

While the present study does provide some valuable insights into the external factors that may influence the passage of prison menstrual laws, it is not without limitations. First, this study relied on existing data since 2022 on the passage of prison menstrual laws, and therefore the data may not be comprehensive or exhaustive of every state that has a prison menstrual law to date. The number of states passing state prison menstrual laws will need to be monitored and further researched for strong statistical significance in determining external factors that correlate to having a prison menstrual law. Using event history analysis may create better statistical analyses (Berry & Berry, 1990; Rogers, 1993).

Furthermore, this study relied on secondary data sources, which may introduce measurement errors or limitations in data accuracy. While this study provides statistical evidence of associations between variables, it is difficult to determine causality due to quantitative data as the only source of measurement. The use of self-reported data from state legislatures and other

qualitative sources could enhance the reliability and validity of the conclusions drawn.

Qualitative data in the form of a case study may offer more explanations for prison menstrual law passage by states. This is especially true for the ample number of southern states that passed these laws.

There is also the possibility some important variables, which could influence the passage of prison menstrual laws, were not included in the analyses. Moreover, the first study in this series, which might have resulted in an incomplete picture of the factors influencing passage of prison menstrual laws. This again can potentially be gained through a qualitative study.

Considering these limitations, further research is needed to corroborate and expand upon the findings of this study. By addressing these limitations and incorporating more comprehensive analyses, future studies can contribute to a deeper understanding of the factors influencing the adoption of prison menstrual laws and their implications for criminal justice reform, gender equity, and healthcare access in correctional facilities.

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### Appendix 1: States with Prison Menstrual Laws

State	Year Passed
Alabama	2019
Arizona	2021
Arkansas	2019
California	2018
Colorado	2019
Connecticut	2018
Delaware	2018
Florida	2018
Kentucky	2018
Louisiana	2018
Maine	2021
Maryland	2018
Minnesota	2021
Mississippi	2021
Missouri	2021
New Jersey	2018
New York	2019
North Carolina	2021
Oregon	2019
South Carolina	2020
Tennessee	2019
Texas	2019
Virginia	2018



## Appendix 2: States with a Prison Menstrual Law including Bill Number and Key Provisions

State	Bill Number	Key Provisions
Alabama	Al. St. § 14-3-44 (2019); Al. St. § 14-6-19 (2019)	Requires county sheriffs and the Department of Corrections to provide pads and tampons upon request.
Arizona	Ariz. Rev. Stat. § 31-201.01 (2021)	On request of a female inmate, the director shall provide female inmates with a sufficient supply of feminine hygiene products. Notwithstanding any other law, the director may not charge female inmates for feminine hygiene products. "Feminine hygiene products" includes tampons, sanitary napkins, menstrual sponges, menstrual cups and similar items that are used for a menstrual cycle.
Arkansas	Ark. Code Ann. § 12-32-103 (2019)	A correctional or detention facility shall establish a policy for providing a necessary number of hygiene products for female inmates and detainees.
California	Cal. Penal Code § 3409 (2018)	All incarcerated people who menstruate must be provided menstrual products upon request.
Colorado	Colo. Stat. § 26-1-136.5 (2019)	Department of Human Services shall provide whichever menstrual products (tampons/pads/ pantliners) are requested by a person in jail custody at no cost and without restriction.
Connecticut	Conn. Stat. § 18-69e (2018)	Inmates must be provided with tampons/pads upon request as soon as practicable, for free and in a quantity that is appropriate to the health care needs of the inmate.
Delaware	Del. Stat. Tit. 29 § 9003 (2018)	Department of Correction must provide tampons and pads to prisoners at no cost.
Florida	Fla. Stat. § 944.242 (2019)	All correctional facilities must make menstrual products available for free and in an appropriate quantity.
Kentucky	Ky. Stat. § 441.055 (2018)	Department of Corrections must promulgate "minimum standards" that include an adequate number of menstrual products for prisoners who need them.
Louisiana	La. Rev. Stat. 15 § 892.1 (2018)	Requires menstrual products to be provided to all incarcerated Women at no cost, in an appropriate quantity, and the products must be available in the housing units and the medical area of the facility.
Maine	Me. Rev. Stat. Ann. 34-A § 3031-9 (2021)	Comprehensive access to menstrual products, including, but not limited to, sanitary pads and tampons, provided and available at all times and without inconvenience or charge to a person who menstruates who resides in a correctional or detention facility
Maryland	Md. Corr. Servs. § 9-616 (2018); Md. Corr. Servs. § 4-214 (2018)	Each correctional facility must have a written policy in place providing free tampons and pads to inmates upon admission, a routine basis, and request.
Minnesota	Minn. Stat. §. 241.021 (2021)	Female inmates in state correctional facilities must be provided with feminine hygiene products per a process developed by the commissioner of corrections.
Mississippi	Miss. Code Ann. § 47-5-1505 (2021); Miss. Code Ann. § 47-5-1515 (2021)	"Menstrual hygiene products" means products that women use during their menstrual cycle. This includes tampons, sanitary napkins and menstrual cups. The Department of Corrections shall ensure that sufficient personal hygiene products are available at each facility for all incarcerated women.
Missouri	Mo. Rev. Stat. §217.199 (2021)	This act provides that Director of Corrections shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center. These products must conform to industry standards.
New Jersey	N.J. Rev. Stat. § 30: 1B-6.8 (2018)	Require standard feminine hygiene products, including but not limited to, tampons and sanitary pads, be provided at the request of and free of charge to female inmates, and

		petroleum jelly, aspirin, ibuprofen, and any other item deemed appropriate by the commissioner, to be made available to inmates from the commissary or medical department
New York	NY Correct. § 625 (2019)	Pads, tampons, and other menstrual products must be provided at no cost to individuals in state and local correctional facilities where Women are detained or confined.
North Carolina	N.C. Gen. Stat. § 148-25.4 (2021)	The Department of Public Safety and the administrator of the correctional facility shall ensure that sufficient menstrual products are available at the correctional facility for all female incarcerated persons who have an active menstrual cycle. Female incarcerated persons who menstruate shall be provided menstrual products as needed at no cost to the female incarcerated person.
Oregon	Or. Rev. Stat. § 169.635 (2019)	Regional correctional facilities shall make available tampons, sanitary pads, postpartum pads and panty liners at no cost to all prisoners for use in connection with vaginal discharge. Facilities shall maintain a sufficient supply, which shall be stored, dispensed and disposed of in a sanitary manner.
South Carolina	S.C. Code Ann. § 24-13-35 (2020)	Correctional facilities, local detention facilities, and prison or work camps must ensure that sufficient menstrual hygiene products are available at each facility for all women under their care who have an active menstrual cycle. Indigent inmates must be provided the hygiene products at no cost.
Tennessee	Tenn. Code Ann. § 41-21-245 (2019)	On request of a female inmate, the department shall provide free of charge to the inmate up to 10 feminine hygiene products per day that comply with applicable federal standards for comfort, effectiveness, and safety.
Texas	Tenn. Code Ann. § 49-6-452 (2019)	Requires Department of Criminal Justice to provide up to 10 menstrual products per day free of charge upon request.
Virginia	2018 Va. Laws Ch. 815 (H.B. 83)	Requires that the Board of Corrections adopt and implement a standard to ensure the provision of menstrual products to detainees, and the Department of Corrections to do so with regard to prisoners.

### **Appendix 3: States with a History of Coercive Action Against a State**

Alabama  
Arkansas  
Arizona  
California  
Connecticut  
Delaware  
Georgia  
Illinois  
Kansas  
Nevada  
Maryland  
Michigan  
Missouri  
Nebraska  
New Jersey  
New Mexico  
New York  
Oregon  
South  
Carolina  
Texas

**Appendix 4: Table of Independent Variables**

<b>Variable</b>	<b>Operationalization</b>	<b>Data Source</b>	<b>Level of Measurement</b>
Horizontal Diffusion-Neighboring States	Proportion of a state's bordering neighbors that have a state prison menstrual law	ACLU, 2020; Vishniac, 2022;	Interval
Political Culture	Proportion of states that have a traditionalistic political culture identity and have a prison menstrual law	ACLU, 2020; Elazar, 1966; Vishniac, 2022	Interval
Vertical Diffusion	Proportion of states in a region that created a prison menstrual law after the passage of First Step Act of 2018.	ACLU, 2020; Vishniac, 2022	Interval
Method of Coercion	0- State menstrual law passed no history of coercive action.  1=State menstrual law passed with history of coercive action.	Clarke, M., 2019; Department of Justice, 1999, 2004, 2006, 2015, 2021; Dolinar, B. (2022); Hoepfner, K. (2020); Rigby, M. (2000); U.S. Commission on Civil Rights, 2020;	Nominal

**Appendix 5: Table of Control Variables**

<b>Variable</b>	<b>Operationalization</b>	<b>Data Source</b>	<b>Level of Measurement</b>
State Female Prisoners	Population of women prisoners in each state	Bureau of Justice Statistics, 2021	Interval
State Female Legislators	Percentage of women legislators in each state	National Conference of State Legislatures, 2020	Interval
State Prison Expenditures	Percentage of a state's budget that is spent on prisons.	U.S. Census, 2019	Interval
State Medicaid Expansion	0=No, No Expansion 1=Yes, Expansion	Simpson, 2020	Nominal
President Donald Trump Voters in the 2016 Election	Percentage of votes received by Donald Trump in each state during the 2016 presidential election.	American Presidency Project, 2016	Interval

## Chapter 2

### **Influencing the Spread of Prison Menstrual Laws: The Internal Mechanisms of States**

Today, the increase in incarcerated women has marked a rise in the number of women menstruating inside correctional facilities, specifically prisons, as significant to this research. The National Institutes of Health (2017) defines menstruation (also commonly referred to as period) as "...normal vaginal bleeding that occurs as part of a woman's monthly cycle...the menstrual blood is partly blood and partly tissue from inside the uterus" (p. 1). The menstruating period of women usually is between the ages of 11 and 51. This also is the age range of a growing women offender population.

By the end of 2015, over 200,000 women in the United States were incarcerated in a state or federal prison or jail, resulting in a 645% increase in women incarcerated since 1980 (Cahalan & Parsons, 1986; Carson & Anderson, 2016; Minton & Zhen, 2016; Minton & Zhen, 2021). Close to 75% of women incarcerated are between the ages of 18 and 44 or of childbearing age (Bronson & Carson, 2019; Fazel & Baillargeon, 2011), making it highly likely and probable that these women will experience monthly menstruation. Recent data suggest that menstruating prisoners are at a greater risk of infection because the state failed to enact laws that mandate prison responses to menstruating women (Bennett, 2017). While this policy gap may be explained by fewer women in prison overall than men, thus resulting in less demand for such a policy, there is little explanation as to why some states have passed prison menstrual laws while others have not. State prison menstrual laws is state legislation passed specific to the access, availability, and affordability of menstrual products, encompassing aspects related to personal care, medical treatment, and healthcare interventions specific to menstruation-related symptoms.

Studying the variables associated with states that have passed prison menstrual laws and those states that have not could generate answers to numerous essential questions regarding gender-specific statutes and policies. Some questions include, which state characteristics predict the passage of gender-specific policies? Do states with a more significant number of women legislators have prison menstrual laws? Former Supreme Court Justice Louis Brandeis claimed in *New State Ice Co. v. Liebmann* (1932) that states could serve as laboratories of democracy. The few states that have passed unique, uncommon laws, such as prison menstrual laws, can represent the democratic will of advocates for menstrual equity. Specifically, such laws are specific to the individual special needs of women, which have not yet been fully enacted by all states; thus, the absence of such laws leave a research gap in determining the factors that compel some states to pass such laws while others have not. The existence and/or nonexistence of menstrual laws reflects a gap in the research, particularly, since the passage of the 2018 *First Step Act*. This act received bipartisan support, which mandates all federal prisons to provide access to menstrual products. Nevertheless, very little research has been conducted to determine the premises behind the states mandating prison menstrual laws. The dearth of studies by political scientists regarding menstrual policies contributes to the gap.

Political scientists have historically investigated legislation and laws that primarily impact women by looking at abortion (Kreitzer, 2015), welfare (Volden, 2021), and domestic violence (Schiller & Sidorsky, 2022), creating copious literature to explain internal state factors that influence policy adoption or passage. This research adds to this literature, yet from the lens of a policy topic, rarely studied, menstrual laws. This research further explores state factors specific to gender-specific laws governing menstruation in state prisons. This research hinges on the state comparative politics and state internal factors of diffusion approaches to political

science research. The previous research in this series analyzed external state factors that potentially influenced the passage of prison menstrual laws. This follow up study looks at the potential internal state factors that influenced the passage of prison menstrual laws.

## **Literature Review**

### **The History of State Responses to Women's Menstrual Health**

Over half of the female population in the United States have a menstrual period at some point in their life (Jones, 2016). The average woman menstruates for 38 years of her life and uses well over 240 menstrual products in the form of pads or tampons yearly. As such, public policy in state legislation and laws regarding women and menstruation health appears to be a valid concern and area of interest of the American populace, especially women constituents. Arguably, when one thinks of women and menstruation, she or he most likely thinks about menstrual products as the most associated aspect of menstrual health. While menstrual products are advertised and sold abundantly within a great majority of the states, access to such products by all women is deficient (American Civil Liberties Union [ACLU], 2019). Most people agree that women should have access to menstrual health products such as pads and tampons; 63% of women in the United States do not have access to such products (ACLU, 2019). Failure to have access to menstrual products or to rely on unsanitary alternatives to menstrual products during menstruation increases a woman's risk for infection, including Toxic Shock Syndrome, a severe bacterial infection that can cause serious health problems and can be fatal (O'Shea, 2020; Shaw, 2018). Some studies indicate that incarcerated women are at the greatest risk for Toxic Shock Syndrome than non-incarcerated women (Michaels, 2019).

One common barrier to access to pads and tampons has been state taxation on these products (Crays, 2020; Hartman, 2017). Unlike other medically necessary supplies, tampons,



pads, and other menstrual products are subject to sales tax in most states. Deemed as medical devices by the Federal Drug Administration and deemed as medical necessities by the American Medical Association, most states have recategorized menstrual products as nonessential, thus resulting in them being taxable products (Seibold & Fienberg, 2019). An additional barrier is unaffordability. Historically, groups with limited access to menstrual products cannot afford them. Unaffordability has resulted from product pricing by companies that produce menstrual products and state product taxation. Groups with limited access due to unaffordability include families receiving public assistance, students attending public schools, individuals and families living in poverty, the homeless, and those in prisons (ACLU, 2019). These women sometimes go without menstrual products or make them out of readily available material (Evans et al., 2018). Extremely limited or lack of access to these products resulted in these often marginalized and vulnerable groups experiencing shame, fear, and disgust. This has also exasperated societal norms, including lawmakers and policymakers, of silence surrounding any discussion or agenda regarding menstruation (Crawford & Waldman, 2022).

Women have been taught from a young age not to discuss menstruation or "periods." Some have contributed this silence to attempts to prevent men from feeling uncomfortable with such talk (Erchull, 2020). This is evident in how companies advertise menstrual products, which is usually discreet and hidden. Most state legislators are men, and this may account for the historical lack of state legislation on menstrual health. Although menstruation is a natural biological function, it remains ignored and unsupported by state laws in the United States (Seibold & Fienberg, 2019). As such, menstrual equity, or "the belief that all menstruating individuals, regardless of their circumstances, should have adequate and appropriate access to menstrual products so that they can navigate life in the same way a non-menstruating individual

would" (Evans et al, 2018, p. 3), has been ill-regarded by most states. While this lack of regard impacts many vulnerable populations, women in state prisons may be considered the most significant population of its ill effects.

### **Incarcerated Women and Menstrual Health**

To date, there is no federal mandate for states to have legislation supporting menstrual equity or menstrual health responses, including access and availability of menstrual products (Seibold & Fienberg, 2019). As such, states can pass laws to guide or control menstrual health, including provisions for state prisons. States can pass laws through legislative action that govern state prisons' responses to menstruating women, or state prisons can set internal institutional rules regarding menstruating women, with the latter appearing to be the most common.

Most incarcerated women depend on correctional staff to meet their menstrual needs. Family, friends, and charities are typically not permitted, in most states, to send menstrual products as donations to those incarcerated (Seibold & Fienberg, 2019). In turn, imprisoned women face a limited supply of menstrual products (Bostock, 2020; Seibold & Fienberg, 2019). Menstrual products are usually unaffordable through prison commissaries. They are generally unaffordable as their prices are typically marked up beyond that outside of prison walls (Bostock, 2020; Seibold & Fienberg, 2019). There also have been reports of prison commissaries having an insufficient supply for purchase, resulting in a wait of one to two weeks for the restocking of products (Seibold & Fienberg, 2019). When menstrual products are distributed by prison staff, they are usually limited in number and insufficient to meet prisoners' monthly menstrual cycle needs. The control and limitations of menstrual products sometimes results in prisoners creating their supplies, including using layered toilet tissue, gauze pads, and washing and reusing prison-issued undergarments or panties (Bostock, 2020; Seibold & Fienberg, 2019).

According to Greenberg (2017), it's not uncommon for inmates to trade personal items for menstrual products since, by prison standards, menstrual products are valued higher than sugar, coffee, and cigarettes. Some prisons do not provide menstrual products (Bozelko, 2020).

Although the state government controls state prisons, wardens of state prisons, at their discretion, can set some policies such as menstrual health policies. Wardens can control and facilitate how prisons implement any governing state laws for prisons. Policy-related issues create a challenge for prison reform laws since the implementation is essentially at the will of each correctional institution (Seibold & Fienberg, 2019). While implementation efforts are not the scope of this study, understanding what presumably has led to the passage of state prison menstrual laws is—as such, identifying which states have passed prison menstrual laws is important to the overall study.

### **Research Question**

To date, no state in the United States is mandated to have legislation or laws surrounding prisoners who are menstruating. There is neither a federal mandate nor federal incentives to support states in having a prison policy for menstruating women. As such, the lawmaking decision by the number of states that have passed such legislation warrants an understanding of factors that may have led them to pass a non-mandated law.

**Thus, in chapter two, the research question being addressed is:** What internal factors influence the passage of state prison menstrual laws?

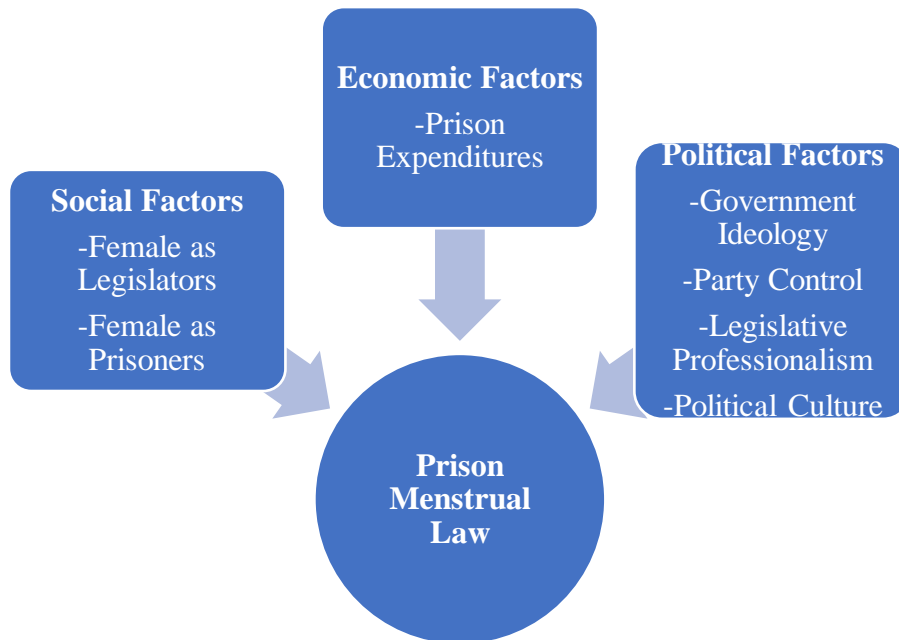
### **Conceptual Model and Hypotheses**

The study undertaken in this essay examines how seven state factors might help determine whether a state adopts a prison menstrual law. Those factors, which include social, economic, and political factors, constitute the independent variables. The presence, or lack, of a

prison menstrual law constitutes the dependent variable. Figure 1 offers a conceptual model of this research.

**Figure 1**

*State Prison Menstrual Law Conceptual Model- Internal Factors*



***Social Factors***

***Women as Legislators & Representation.*** According to Waylen et al. (2013), "People all over the world find that the basic conditions of their lives – their safety, health, ation, work, as well as access to markets, public space, and free expression – are fundamentally shaped by their identification as belonging to a particular sex or gender groups." Research indicates that gender can influence politics. For instance, women in the United States gained the right to vote in 1920, and women voter turnout became equal to men voter turnout in the 1980s (Andersen, 1996; Burrell, 2004), and today, women are much more likely to vote than men (Center for American Women and Politics [CAWP], 2006). While women are increasing their presence in politics,

their physical presence as state legislators has grown over the years. Their presence in the legislature captures different interests and priorities contrary to men, thus creating a commanding voice for women (Carroll & Dodson, 1991).

Studies on women legislators often refer to their approach to legislation and reform as nurturers seeking what is best morally and for good in others as opposed to the self-interest lens standard amongst male legislators (Ruddick, 1995). For example, Swers (2005) found that at the federal level, women members of Congress were more interested in legislation agendas that supported women's health than their male counterparts. Arguably, women legislators are more closely connected to domestic, and caretaker matters over economic matters, and they align themselves with issues and agendas related to marriage, sexuality, female reproduction, and the like (Sapiro, 1981). As a result, as they connect to these issues as women, they are more likely than their male counterparts to reference ethics, morality, marginalized groups, and the personal stories of women when engaging in legislative floor debates and arguments (Broughton and Palmieri, 1999; Tamerius, 1995). These issues and agendas are less popular among male legislators. Young (2000) argued that the unpopularity of these issues is not only because a legislator is a woman who influences her focused issues and agendas, but also her societal position as defined and based on additional variables such as race, class, and sexuality. While the duality of gender and other minority-defined categories is not the focus of this paper, duality can influence legislative outcomes, however. The duality of gender and other minority-laden variables place women legislators in unique positions to have a political agenda that supports morality policies based on personal experiences and knowledge (Mansbridge, 1999; Phillips, 1995). For instance, it is more likely to find that a woman minority legislator is more likely to introduce and support socially conscious laws than a male counterpart. Thus, the duality can

create unique and expansive women issues in the legislature that would not be seen or heard without being a woman, along with other personal identifiers.

Historically, representation, or the state to which specific groups' constituents are represented in the legislature, has been studied and measured by substantive and descriptive representation (Miller & Stokes, 1963). While typically studied using racial minority groups, women as minorities as being substantively and descriptively represented in the legislature has been of interest to researchers, especially due to the increase in women legislators over the last ten years. The impact of this increase has yet to be fully explored and understood on gender-specific matters such as menstruation and women prisoners. Nonetheless, some research has been conducted to examine how women being represented by women in state government (descriptive representation) has fared and how gender-specific agendas expressed by women constituents has fared in legislative sessions with an increase in women in government (substantive representation).

***Women and Descriptive Representation.*** Hanna Pitkin (1967) defined *descriptive representation* as legislators that share ascriptive similarities with population subgroups. She further explains substantive representation as legislators' actions on a policy beneficial to subgroups such as women. A common question under scrutiny by researchers interested in gendered politics has been “Do women representing women in the office make a difference in state politics?” Some of the literature indicates that it does. Descriptively, women are underrepresented in legislatures. While women in state government have increased over the last ten years, representatives of state governments are mostly made up of men. Nevertheless, representation by women seemingly has made some difference in legislative outcomes over the years. A few studies have determined that the descriptive representation of women has increased

the inclusion of popular women-supported legislation encompassing state spending on healthcare, family leave including maternity leave, least restrictive abortion rights, increased welfare benefits for single mothers, and state supported research on cancers such as breast cancer (Cowell-Meyers & Langbein, 2009). Women as state representatives are more likely than men to give precedence to bills associated with a reduction in gender discrimination (Bratton & Haynie, 1999); education (Bratton & Haynie, 1999; Thomas, 1991; Thomas, 1992); women, children, and families (Thomas, 1991; Thomas, 1992); and health care, medical services, and social services (Bratton & Haynie 1999; Little et al., 2001; Thomas, 1991; Thomas, 1992).

***Women and Substantive Representation.*** Other studies have shown that group interest based on variables such as gender, namely women, have been instrumental in politics. Social movements based on group interests have strengthened political agendas on gender-specific legislation. Banding together as women and supporting specific ideals significantly influence state legislation, thus increasing substantive representation. For instance, popular women substantive matters, including women's rights to vote, child welfare laws, reproductive health, reproductive rights, and human and community safety, have historically been collectively taken on by women (Alvarez, 1998; Hellman, 1995). These movements and mobilization by women groups do not indicate that all women are represented. Also, they do not capture the preferences or wishes of all women; however, with strength in numbers, they place a demand on constituents to place matters significant to women on the political agenda. Substantive women's representation positively impacts the introduction of legislation that favors women's rights, the rights of children, and the family (Jones, 1997; Taylor-Robinson & Heath, 2003). However, "...future research must consider women's substantive representation..." since such research is limited (Paxton et al. 2007).

Kathlene (1995) proposed, "...as women gain power and ascendance in the political domain, they will no longer hide or subsume their feminist agenda or their women's perspective" (p. 696). The state legislature and its gender makeup influence policy, especially if there is a more significant proportion of women legislators than men (Paxton et al., 2020; Paxton et al., 2007; Swers, 2020). As such, it is hypothesized that states with a higher proportion of female legislators are more likely to have a prison menstrual law. Therefore, the following hypothesis is tenable for this research:

**Hypothesis 1:** States with a higher proportion of female legislators are more likely to have a prison menstrual law.

*Women as Prisoners.* The substantial growth rate of incarcerated women in the United States surpassed men's growth rate by more than 50% between 1985 and 2014 (The Sentencing Project, 2018). This extraordinary growth in women incarcerated has resulted in both state prisons and local jails' inability to provide primary health care, including menstrual care (Seibold & Fienberg, 2019). Along with primary health care needs, mental health disorders and infectious diseases are among prisoners' most prevailing health problems (Fazel & Baillargeon, 2011). Women and juvenile prisoners have higher rates of these health problems than others. Further, women typically have higher cancer rates than male prisoners, with cervical cancer being the most common cancer among women prisoners (Fazel & Baillargeon 2011).

From a policymaking perspective, the research and data on women incarcerated and policies because of their experience as inmates are limited (Swavola et al., 2016; Talvi, 2007). Instead, the research has focused chiefly on prison reform efforts to reduce incarceration of both men and women, but primarily men (Clear & Austin, 2009; Feeley & Rubin, 2000; Lynch, 2005; Wool & Stemen, 2004); racial inequality (Boushey, 2016; Donnelly, 2017; Maltby, 2017); treatment of incarcerated pregnant women (Baldwin et al., 2020; Taormina et al., 2022; Tusha,



2014); and women prisoner's sexual safety (Moss & Abbate, 2022). As such, women as prisoners remains a topical area for researchers who center on pregnant women prisoners and the sexual safety of women in prison. Despite the rise in the women prisoner populations, additional substantive issues related to women prisoners are not overly researched, which may account for the lack of gender-specific policymaking specific to women in prison. However, in the last few years, there has been a rise in legislation and laws preventing or reducing the use of restraints such as shackles on incarcerated pregnant (Ferszt et al., 2018; Kramer et al., 2022; Thomas & Lanterman, 2019)). These recent laws and policies have especially been seen in those states with high rates of female incarceration . Thirty-nine states have passed laws limiting the shackling of pregnant prisoners at any point during their pregnancy, delivery, and at postpartum including states with some of the highest rates of female incarceration (Ferszt et al., 2018; Kramer et al., 2022; Thomas & Lanterman, 2019) . As a result of the research on the increase in state laws reducing the use of restraints used on incarcerated women, it is hypothesized that states with a higher proportion of female prisoners are more likely to have a prison menstrual law.

**Hypothesis 2:** States with a higher proportion of female prisoners are more likely to have a prison menstrual law.

### *Economic Characteristics*

The economic characteristics of states assume that the wealth of a state influences the adoption of new laws because of the availability of resources (Walker, 1969; Gray, 1973). It also assumes that larger states are wealthier and will have the more significant economic freedom to adopt policies that require financial resources more so than smaller states. This research focuses on state allotment of monies as prison expenditures.

***Prison Expenditures.*** Given the growing trend of declining state budgets, the effects of funding on state prisons have been significantly studied. According to the Vera Institute and

Pew Center on the States, since the 1970s, state prison populations combined have grown 700%, with an average per inmate cost of \$31,286 in 2010 (Henrichson & Delaney, 2012; McKillop, 2017). Despite the rise in prison populations, including women prisoners, many states have sought to reduce spending on prison incarceration (McKillop, 2017).

Since menstruation is a health matter, the literature review on prison expenditures focused on prison healthcare. In a report conducted by McKillop for PEW (2017), it was noted that "every state has an interest in delivering health care in its prisons that conforms to constitutional requirements and leverages opportunities to improve public health and reduce crime and recidivism" (p. 1). As a result, many people might argue that health care in prisons would include menstrual health, including products related to the needs of menstruating women. However, no research was found that showed this inclusiveness. Instead, it was found that in 2015, states spent around \$5,720 per inmate on health care services, which included medical, dental, mental health, and substance abuse treatment (McKillop, 2017). Four states- California, New Mexico, Vermont, and Wyoming- spent over \$10,000 per inmate on healthcare services, and whereas the states of Alabama, Indiana, Louisiana, Nevada, and South Carolina, spent less than \$3,500 per inmate for healthcare services (McKillop, 2017).

The vast differences in state spending per inmate on health care services appear to be related to inmate or "patient characteristics," including age, sex, and health status (McKillop, 2017). These are critical predictors of the portion of state prison expenditures allotted toward inmate healthcare. There are some indications that spending on women and older prisoners is higher due to these groups' disproportionate reports of current and past chronic medical conditions (McKillop, 2017; Williams et al., 2012). Women prisoners commonly have higher

rates of mental illness, which are attributable to higher rates of childhood sexual abuse and post-traumatic stress disorder (Karatzias et al., 2018; McKillop, 2017; Tripodi & Pettus-Davis, 2013).

Some researchers have reported that states with greater economic resources can lead to more significant public welfare policies (Barrilleaux et al., 2002; Brown, 1995; Tweedie, 1994), but this may not be the case for welfare policies involving women prisoners.

Mintrom (1997) argued that the need and demand for welfare policies involving women prisoners must also be present. Even with a significant number of economic resources, state constituents must still have a great need and demand. Since state women's prison populations are much smaller than men's, arguably, state legislatures, despite financial status, may argue there is no demand or need.

**Hypothesis 3:** States with a higher level of spending on prisons are more likely to have a prison menstrual law.

### *Political Characteristics*

Early scholars within the comparative state policymaking field have solidified political variables' influence on state policymaking (Gray, 1976; Grossmann, 2013; Grossmann et al., 2021). While there have been no previous studies to determine political factors specific to laws governing menstruation in state prisons, this study proposes the potential impact of political variables based on the literature on criminal justice policies and public health policies, and both policy types are akin to the present study.

Political factors as determinants for policymaking assume subcomponents or characteristics of the political system (political actors, political parties, citizens, and government ideology) singularly or, in combination, influence policymaking (Walker, 1969). For the present study, political factors are operationalized by measuring state political characteristics, including government ideology, party control, legislative professionalism, and political culture.

***Government Ideology.*** Researchers can measure government ideology through an index of roll call votes of state legislators, results of congressional elections, state legislatures' political party composition, state legislatures' political party of state governors, and suppositions of state voters and state political elites (Berry et al. 1998, 2001). The motivation of legislators to vote for specific policies can very much be based on state government ideology (Nicholson-Crotty, 2009). Several studies have shown that legislators who identify as conservative are more likely to support punitive criminal justice policies (Jacobs & Carmichael, 2001; Yates & Fording, 2005), suggesting policies that are not punitive such as menstrual health policies would probably not be supported.

As mentioned, while there is no research that demonstrates government ideology as an influence on state prison menstrual policies, there is, however, supportive research on government ideology within the criminal justice literature. Research conducted on several criminal justice-focused policies found a relationship between the policy and government ideology, including diffusion of boot camps and juvenile transfer policies (Williams, 2003); capital punishment policies (Jacobs & Carmichael, 2002); death penalty for mentally challenged offenders (Traut & Emmert, 2003); prison privatization policies (Nicholson-Crotty, 2004); and fetal homicide policies (Oakley, 2009).

When examining government ideology and the potential adoption of a policy by states, it is presumed:

...the policy can be described along some dimension (which we refer to as liberal conservative, although it need not be) and that the preference of the government can be described as a point on this continuum. The implication is that if ideology were all that mattered to the state government, a state would adopt a policy if its placement on this

continuum were closer to the state's ideal point than the status quo (Grossback et al., 2004, p. 524)

Based on this assumption, this research explored the influence of state government ideology on prison menstrual laws.

**Hypothesis 4:** States with a more liberal government ideology are more likely to have a prison menstrual law.

*Party Control.* The effects of political party control in the legislature are widely studied in political science (Ansolabehere et al., 2001; Cox & Poole, 2002; Lawrence et al., 2006). Early public policy researchers emphasized the role and influence of party control on the development of public policies (Key, 1949; Lowi, 1963; Walker, 1969). Later, Boushey (2014) would argue, "...the strength of party control in legislatures are central to understanding differences in state policy-outputs" (p. 8).

According to Wright & Schaffner (2002), political parties "... are coalitions of more or less like-minded persons pursuing elective office" (p. 367). The most common political parties are Democrats and Republicans. Like government ideology, the controlling party can influence policies. Democratic-controlled legislatures are more likely to support welfare and morality laws, while Republican-controlled legislatures do not (Barrilleaux, 1997; Jacobs & Carmichael, 2001; Schattschneider, 1960; Yates & Fording, 2005).

When examining party control as an influence on criminal justice policies, a few studies have found a significant relationship between criminal justice policies and party control. Stucky, Heimer, and Lang (2005) found state-level incarceration rates increased steeply when state Republicans faced increased levels of electoral competition, while incarceration rates decreased steeply when Democrats as majorities faced similar forces. Similarly, researchers found that

prison populations increased sharply with Republican-controlled governance (Beckett & Western, 2001; Jacobs & Carmichael, 2001).

**Hypothesis 5:** States with a Democratic-controlled legislature are more likely to have a prison menstrial law.

*Legislative Professionalism.* Legislative professionalism is typically measured using the Squire Index (1993; 2007; 2017), as will it be in this study (Squire, 1993; 2007; 2017). The Squire Index groups legislative salary, session length, and session staffing, which have been found in some studies to impact state policy and lawmaking decisions. The greater the score, the more legislative professionalism is present in the legislature. Studies have shown that state legislative professionalism can be related to state legislation and laws. The more professional the legislature, the more likely a state will have policy innovation and creation (Shipan & Volden, 2006a; Shipan & Volden, 2006a).

Greater legislative professionalism has been shown to increase early policy adoption and greater state spending toward public welfare policies (Derthick, 1970), and environmental, economic, and social programs (Jenkins et al., 2006), and criminal justice specific policies, as well as determinate sentencing reforms (Stemen, 2007). It should be noted that legislative professionalism's influence on criminal justice policies has not been consistently shown. For instance, in a study of 27 criminal justice policies, Makse and Volden (2011) found that legislative professionalism decreased the likelihood of state policy adoption. However, it is worth this research looking at legislative professionalism as a potential factor of influence since some research indicates that legislatures with high legislative professionalism (having long-term appointments, higher salaries, and sufficient support staff) will support progressive and developing policies (Brace & Ward, 1999; Finegold & Skocpol, 1995). Based on this notion, it is

expected that the passage of prison menstrual laws would be associated with states with greater legislative professionalism.

**Hypothesis 6:** States with a higher level of legislative professionalism are more likely to have a prison menstrual law.

**Political Culture.** Several existing studies suggest that state legislation and laws are related to its political culture (Elazar, 1984). Elazar's (1984) seminal work on political culture classified the division of the United States into three political cultures: individualistic, moralistic, and traditionalistic. According to Elazar (1984), these cultures could explain the variation in state programs, policies, and laws. These political cultures are deeply rooted in the geographical region of where states are and the historical attitudes, values, and views of the residents of these areas. However, this is not always the case; thus, geography has arguably been dismissed as a definitive means of defining political cultures. This is primarily because migration patterns of constituents shift and cannot always be explained. During Elazar's (1984) original research, geography broken into subregions resulted from historic immigration patterns and thus formed his unique three political subcultures. Political culture subgroups are not mutually exclusive as some states show a combination of another or all three cultures.

**Individualistic Culture.** According to Elazar (1984), individualistic culture is primarily dominant in the Northeastern states, but also is inclusive of midwestern states such as Illinois, Missouri, Ohio and Nebraska and a western state, Nevada. This culture is aligned with the belief that government should be left to the government officials and bodies who are experts in the field, not the public or constituents, since their only role in government is voting (Elazar, 1984).

**Moralistic Culture.** Moralistic culture is primarily dominant in Western and Midwestern states. This culture is aligned with the belief that the government's function is to improve

communities (Elazar, 1984). This culture emphasizes the relationship between the government and improvement in the lives of citizens.

***Traditionalistic Culture.*** Traditionalistic culture is primarily dominant in southern states. This culture is aligned with the belief that government is led and controlled by societal elites to maintain social order (Elazar, 1984). Further, the belief is that government should be limited in how it interferes with the lives of the public. Because of this belief in limited government, it seems likely that the traditionalistic states would not support any state policy governing prison menstrual responses.

Extensive studies and research in comparative state policy have used political culture as an explanatory variable (Johnson, 1976; Lieske, 1993;). For instance, researchers found political culture to be a sole or contributing determinant of state spending (Johnson, 1976; Koven & Mausolff, 2002; Miller, 1991); public policy (Lowery & Sigelman, 1982); state innovation (Fitzpatrick & Hero, 1988); and welfare reform (Mead, 2004; Meyers et al., 2001). Related to criminal justice policies, Williams (2003) found that political culture was significant concerning the death penalty. He found that moralistic states seemed less likely to have the death penalty and seemed more likely to have shorter prison sentences, which is a tenable hypothesis of this research:

**Hypothesis 7:** Traditionalistic states are less likely to have a prison menstrual law.

### **Research Methods**

Comparative state policymaking is a method used in political science research to make state comparisons regarding policy differences (Gray et al., 2018). According to Gray et al. (2018), "because states are similar in many important respects, it is possible to identify differences in geography, population, and economy that account for differences in their political



institutions and that help explain why states differ in the policies they enact" (p. xi). When doing comparative analysis, similarities and differences in state policies, popular categorical variables such as social, economic, and political factors are examined and described using popular categorical variables (Dye, 1969a; Dye, 1969b; Gray et al., 2018; Hamm & Moncrief, 2017; Jacob & Vines, 1965).

A review of the literature found that the most common data analyses methods associated with empirical policy diffusion research were regression analysis and event history analysis. Regression analysis is commonly used to understand the correlation among potential determinants of policy diffusion (Gray, 1973; McNeal et al., 2003; Walker, 1969). Regression analysis is also commonly used along with event history analysis. Event history analysis is a method of pooled cross-sectional time series analysis (Berry & Berry, 1990). This method of analysis attempts to address what variables potentially determine the probability that a policy's adoption will happen during a period (Berry & Berry, 1990). While regression and event history analyses have been shown as credible forms of data analyses for the diffusion of public policies, this research will incorporate regression analysis but not event history. As noted earlier in this research, the years in which the states have passed a prison menstrual law are limited to the last five years. As such, event history analysis cannot effectively be conducted for adoption probability. Therefore, logistic regression, t-tests, and chi-square tests will be performed to assess the probability of states adopting a prison menstrual law. For all statistical tests used in this study, an alpha level of .05 will be used to determine statistical significance of differences.

### ***Unit of Analysis***

In this study, the unit of analysis is a state. This study solely examines if a state has a prison menstrual law (yes) or not (no). While the year in which an individual state passed such a

law is included, it is not relevant to this study. For states with the law, they have only been passed within a two-to-three-year period. Consistent with other research including research done by major institutions and organizations, the 48 contiguous states were analyzed in this study. Alaska and Hawaii were excluded from the analysis because data on some independent variables were unavailable for those states and would potentially, although minimally, skew the data. The overall results are generalizable to the population studied as data is captured from 48 of the 50 states, or 96% of the United States.

### ***Dependent Variable***

The dependent variable in this study is whether a state has adopted a prison menstrual law, coded “0” for “no” and “1” for “yes.” The acquired data for that variable was done in two ways. First, a 2019 study by the American Civil Liberties Union (ACLU) was consulted. That study revealed the existence of state menstrual laws related to tampon taxes, homeless shelters, schools, prisons, and jails. That study also found that 12 states had laws that specifically or vaguely mentioned menstruation and prison. Those 12 states were: Alabama, California, Colorado, Connecticut, Florida, Kentucky, Louisiana, Maryland, New York, Tennessee, Texas, and Virginia. In 2022, after consulting with the ACLU, the ACLU’s approach to finding the existence of state prison menstrual laws was replicated. This was done by entering in a Google® search the terms "menstruation" and "prison" and by checking states’ electronic databases of legislation and laws to identify states that had passed prison menstrual laws since 2019. The researcher found that 11 more states had passed prison menstrual laws. These 11 states were: Arizona, Arkansas, Delaware, Maine, Minnesota, Mississippi, Missouri, New Jersey, North Carolina, Oregon, and South Carolina. As of the completion of this research, 23 states have a prison menstrual law.

## *Independent Variables*

### *Social Factors*

In this study, two social factors are examined: the percentage of women legislators and women prisoners. These variables measure the impact of the number of women legislators and women prisoners on state prison menstrual laws.

***Women Legislators.*** Women legislators are defined as the percentage of women legislators in each state. This research utilizes data from the National Conference of State Legislatures from 2020 (National Conference of State Legislatures, 2020b).

***Women Prisoners.*** Women prisoners are defined as the percentage of women prisoners in each state. This research utilizes data from the Bureau of Justice Statistics from 2021 (Carson, 2022).

### *Economic Factors*

The economic factor used in this study is prison expenditures.

***Prison Expenditures.*** State prison expenditures are defined as percentage of a state budget that is spent on prisons. The data for this variable were collected from a 2019 United States Census Bureau report, which contains aggregated amounts of state spending on prisons (United States Census Bureau, 2019).

### *Political Factors*

Four political factors are analyzed in this study: government ideology, party control, legislative professionalism, and political culture. Those variables measure the ideology of state government, controlling party of state government, professionalism in the legislature, and shared political culture of the state.

***Government Ideology.*** This study utilizes the state government ideology score reported for each state for 2017. The greater the score, the more liberal is the state’s government ideology. Data for this variable were collected from the “Updated Citizen and Government Ideology Data, 1960-2017” data file (Fording, 2018).

***Party Control.*** *Party control* is defined as those states led by democratic control of the legislature, Republican control of the legislature, or a divided legislature. This study utilizes data from the National Conference of State Legislatures from 2020 (National Conference of State Legislatures, 2020a).

***Legislative Professionalism.*** *Legislative professionalism* is an aggregate score configured by legislative salary, session length, and session staffing. The greater the score, the more legislative professionalism is present in the legislature. This study utilizes data from the Squire Index on state legislative professionalism for the year 2017 (Squire, 2017).

***Political Culture.*** The political culture of a state is based on three identities of politics: *Individualistic*, *Moralistic*, and *Traditionalistic*. This study utilizes data from Elazar's study of state political culture in 1966 (Elazar, 1984).

## **Data Analyses**

### **Sample Demographics**

This quantitative study examined 48 U.S. states on their adoption of prison menstrual to date.

### **Quantitative Analysis**

To answer the research question on what internal state factors correlate with state adoption of prison menstrual laws, seven independent variables were considered. Categorically,

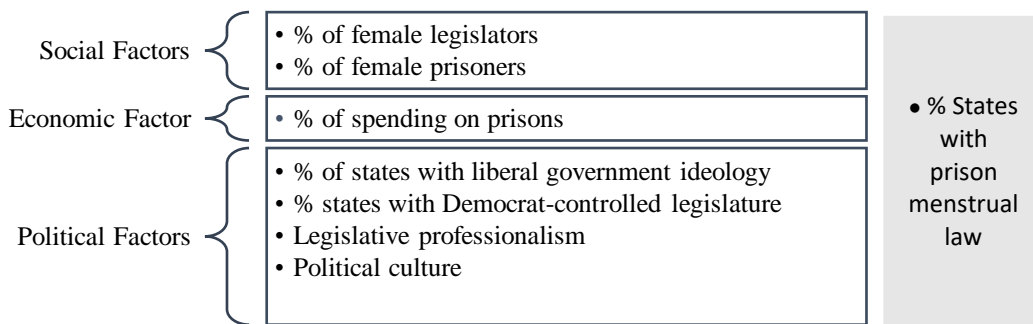
the seven variables represent the social, economic, and political factors that could influence or be associated with whether a state has adopted prison menstrual laws.

**Descriptive Statistics**

The eight variables that contributed to assessing research question 1 for this study are presented in Figure 2. Since the variable description asks whether a state has a menstrual law or not, given that there are 48 states in the sample, we can determine the percentage of states based on the frequency of states that were categorized as either yes or no as a nominal variable.

**Figure 2**

*Study Variables*



In the sample of 48 states, 23 (48%) have at least one prison menstrual law and 25 (52%) do not have any prison menstrual laws. Two variables represent the social factors in this study. Most of the states (38, 79%) have between 21-40% of women state legislators. Additionally, most states (28, 58%) have between 6-10% of female prisoners. With regard to the economic variable in this study, which provides the percentage of money the state spends on prisons, most states (26, 54%) allocate 2.0-2.9% of their state budget on prisons.

Finally, the four political factors indicate that the percentage of states with liberal ideology is low, most of the states are not controlled by Democrats, legislative professionalism was mostly low, and the political culture was primarily moralistic. More specifically, the

government ideology reflected more centrist. Almost half of the state legislatures (22, 45%) were controlled by Republicans, while nearly a third (14, 29%) were controlled by Democrats. The remaining legislatures (12, 25%) were divided. The political cultures among the states showed almost an even split of individualistic (15, 31%), moralistic (17, 35%) and traditionalistic (16, 33%) cultures.

Table 1 is a summary of the descriptive statistics for the overall study.

**Table 1**

*Descriptive Statistics*

	N	Range	Min	Max	Mean	SD
State Has a Prison Menstrual Law	48	1	0	1	.48	.505
Women State Legislators, % (recoded)	48	2	1	3	1.92	.454
Women Prisoners, % (recoded)	37	1	1	2	1.76	.435
Prisoners (Women)	48	10,275	84	10,359	1,502.69	1,712.843
State Spending on Corrections	48	\$8.6M	\$110K	\$8.7M	\$1.1M	\$1.4M
% Share State Spending on Corrections	48	2.2	1.2	3.4	2.160	.5315
Government Ideology (recoded)	47	2	1	3	1.94	.763
Democrats Control Legislature	48	1	0	1	.29	.459
Legislative Professionalism (recoded)	42	2	1	3	1.52	.634
Political Culture	48	2	1	3	2.02	.812

*Inferential Statistics*

To answer the research question on what internal state factors correlate with state adoption of prison menstrual laws, seven independent variables were considered. Given that each of the variables from the source data varied in scale, a combination of inferential tests was used to determine differences between means, prediction, and/or association, as appropriate. These tests included independent samples t-tests and Mann-Whitney U tests (for differences between

means or medians); chi-square (for association); and binomial logistic regression (for prediction). All inferential tests were conducted at the 95% confidence level ( $p < .05$ ).

Table 2 presents a summary of the specific tests conducted for each hypothesis for this research question.

**Table 2**

*Summary of Inferential Tests*

<b>Hypotheses</b>	<b>Test(s)</b>
<b>H<sub>1</sub>.</b> States with a higher proportion of female legislators are more likely to have a prison menstrual law. [Female Legislators]	T-Test, Regression
<b>H<sub>2</sub>.</b> States with a higher proportion of female prisoners are more likely to have a prison menstrual law. [Female Prisoners]	T-Test, Regression
<b>H<sub>3</sub>.</b> States with a higher level of spending on prisons are more likely to have a prison menstrual law. [Spending on Prisons]	T-Test, Mann-Whitney, Regression
<b>H<sub>4</sub>.</b> States with a more liberal government ideology are more likely to have a prison menstrual law. [Government Ideology]	Mann-Whitney U test, Regression
<b>H<sub>5</sub>.</b> States with a Democratic-controlled legislature are more likely to have a prison menstrual law. [Party Control]	Chi Square
<b>H<sub>6</sub>.</b> States with a higher level of legislative professionalism are more likely to have a prison menstrual law. [Legislative Professionalism]	Mann-Whitney U test
<b>H<sub>7</sub>.</b> States with an individualistic or moralistic political culture are more likely to have a prison menstrual law. [Political Culture]	Chi Square

***Independent Samples T-Tests.*** Five of the seven hypotheses (H<sub>1</sub>, H<sub>2</sub>, H<sub>3</sub>, H<sub>4</sub>, H<sub>6</sub>) met the initial assumptions in study design to consider inferential tests on the relationships between the means and/or medians. To determine if there were statistically significant relationships between the independent and dependent variables, either an independent samples t-test or Mann-Whitney U test was used, depending on whether the variables met the appropriate assumptions. For an independent samples t-test, there are six assumptions that must be met. These assumptions for an independent samples t-test are that there is one continuous variable (generally the dependent

variable) and a dichotomous independent variable; that there is independence of observations, no significant outliers, normal distribution, and homogeneity of variances. For this study, the dependent variables are the social, economic, and political factors and the independent dichotomous variable is the adoption of prison menstrual laws by states (yes, no). Independence of observations indicates that the two groups are mutually exclusive, which is met given that states either have prison menstrual laws or they do not. Outliers were assessed using a boxplot and normality was assessed using the Shapiro-Wilk test. For the last assumption, Levene's test for equality of variances determined if homogeneity was present or not. The first three hypotheses sufficiently met the six assumptions. Table 3 presents the summary results of the independent samples t-tests for these three hypotheses.

**Table 3**

*Results for Independent Samples t-Tests*

<i>Variable</i>	<i>N</i>	<i>M</i>	<i>SD</i>	<i>t-test</i>	<i>p-value</i>
<b>Prison Menstrual Laws</b>					
H1. Female Legislators	23	28.13	8.79	.676	.503
H2. Female Prisoners	23	6.72	2.14	2.038	.048
H3. Spending on Prisons	23	2.19	0.59	-.379	.706

***Mann-Whitney U Test.*** In this study, the differences between groups to address three hypotheses (H<sub>3</sub>, H<sub>4</sub>, and H<sub>6</sub>) were tested using the Mann-Whitney U-test. The Mann-Whitney U test is a nonparametric alternative to the independent samples t-test, which can be used when variable data violates certain assumptions in the independent samples t-test. The Mann-Whitney U test relies on median or mean rankings to determine whether the two underlying population distributions are the same but does not require them to be normally distributed. This test can be conducted using a continuous or ordinal dependent variable and a dichotomous independent variable. The remaining two assumptions for the Mann-Whitney U test are that there is



independence of observations and that the distributions of the two groups in the independent variable are similar. The summary results for the Mann-Whitney U tests are shown in Table 4.

**Table 4**

*Mann-Whitney U Results*

Prison Menstrual Laws	<i>U</i>	<i>z</i> -score	Median Rank: Yes (n=23)	Median Rank: No (n=25)	<i>p</i> -value
H3. Spending on Prisons	400.0	2.322	\$967k	\$369k	.020
H4. Government Ideology	337.0	1.022	45.70	29.68	.307
H6. Legislative Professionalism	359.5	1.486	.214	.181	.137

As noted previously, H<sub>3</sub> had one outlier. Given this outlier, H<sub>3</sub> was also tested via the Mann-Whitney U test to further validate its results. Notably, H<sub>3</sub> was the only one of the three hypotheses that was determined to be statistically significant using the Mann-Whitney U test. Distributions of the states with prison menstrual laws and states without prison menstrual laws were similar, as assessed by visual inspection. State spending on prisons was statistically significantly higher in states with prison menstrual laws (Mdn = \$967k) than in states without prison menstrual laws (Mdn = \$369k), *U* = 400, *z* = 2.322, *p* = .02. While the group distributions of the states for government ideology (H<sub>4</sub>) and legislative professionalism (H<sub>5</sub>) were also visually inspected and determined to be similar, neither were statistically significant using the Mann-Whitney U test and therefore, the null hypotheses were not rejected.

***Crosstabulations with Chi Square ( $\chi^2$ )***. Two variables in the study were nominal and therefore the two hypotheses respective to them (H<sub>5</sub> and H<sub>7</sub>) were tested for association with the dependent variable, the presence of prison menstrual laws. A Chi-Square test for association requires at least two categorical variables (nominal or ordinal), independence of observations,

and an expected cell count greater than five. For the two noted hypotheses, all assumptions for the Chi Square test were met. Table 5 presents the results of these two hypotheses.

**Table 5**

*Chi-Square Test Results (N=48)*

Variables	X <sup>2</sup>	df	Significance (.05)
H5. Party Control	2.124	2	.346
H7. Political Culture	7.412	2	.025*

X<sup>2</sup>=7.41, p <.05

While party control was not significantly associated with whether states had prison menstrual laws,  $\chi^2(2) = 2.124$ ,  $p > .05$ ; political culture was statistically significant in its association with states and the presence of prison menstrual laws,  $\chi^2(2) = 7.412$ ,  $p = .025$ .

***Binomial Logistic Regression.*** To predict whether or not a state is more or less likely to have prison menstrual laws, the study used binomial logistic regression, where appropriate. A binomial logistic regression attempts to predict the probability of a dichotomous dependent variable based on the independent variable. In this study, the binomial logistic regression attempts to predict the probability of whether there are prison menstrual laws in a state based on the independent variables (social, economic, and political factors). For this inferential test, the dependent variable is the presence of prison menstrual laws given its dichotomous nature. The independent variables are denoted in each hypothesis. Based on the Cox & Snell R Square and Nagelkerke R Square (pseudo R-squares), the model only explains 16.7%-22.3% of the variation in the number of states that adopted menstrual laws.

There are seven assumptions that must be met to conduct a binomial logistic regression. First, there must be one dependent dichotomous variable (presence of prison menstrual laws) and

one or more independent variables, which can be continuous or nominal. There also must be independence of observations, with a minimum of 15 cases in each independent variable. The last three assumptions required are the presence of a linear relationship between the dependent and independent variable(s), no multicollinearity, and no significant outliers. The first three assumptions are met in the study design, as noted from the independent samples t-tests. The minimum number of cases is met given that 23 states have prison menstrual laws and 25 states do not. The last three assumptions are assessed by the Box-Tidwell test, inspection of the correlation coefficients, and box plots, respectively. For this study, a visual inspection determined that the last three assumptions were met for four hypotheses (H<sub>1</sub>, H<sub>2</sub>, H<sub>3</sub>, and H<sub>4</sub>). Therefore, Hypotheses 1, 2, 3, and 4 sufficiently met all the assumptions to construct a logistic regression model. Table 6 presents the coefficient results of the binomial logistic regression model, inclusive of these four independent variables.

**Table 6**

*Coefficients for Regression Model*

Variable	B	SE	Wald	df	Sig.
Constant	1.326	2.187	.368	1	.544
H <sub>1</sub> . Female legislators	-.066	.045	2.113	1	.146
H <sub>2</sub> . Female prisoners	-.134	.161	.693	1	.405
H <sub>3</sub> . Spending on prisons	.000	.000	1.761	1	.185
H <sub>4</sub> . Government ideology	.023	.026	.804	1	.370

*Note.* N=48. Cox & Snell R Square=.167; Nagelkerke R Square=.223

A binomial logistic regression was performed to determine the effects of women legislators, women prisoners, spending on prisons, and government ideology on the likelihood or not that states have prison menstrual laws. The logistic regression model was not statistically significant at the 95% confidence level,  $\chi^2(4) = 8.79$ ,  $p > .0005$ . The model explained 22.0% (Nagelkerke R<sup>2</sup>) of the variance in the presence of state prison menstrual laws and correctly

classified 71.0% of cases. Sensitivity was 70.0%, specificity was 72.0%, positive predictive value was 30.4% and negative predictive value was 72.0%. Of the four predictor variables, none were statistically significant. When all other combinations of the predictor variables were tested in the regression model, again, none were statistically significant.

## Results

For each hypothesis, the specific assumptions and test results are presented.

***Testing of Hypothesis 1: States with a higher proportion of female legislators are more likely to have a prison menstrual law.***

For the first hypothesis, an independent samples t-test and binomial logistic regression were conducted to determine if there were significant differences or predictions with regard to the presence of prison menstrual laws in states based on the number of women legislators. For the independent samples t-test, there was no significant effect on the presence of prison menstrual laws,  $t(38) = .677$ ,  $p = .503$ , despite the mean percentage of states with women legislators ( $M = 28$ ,  $SD = 8.8$ ) being less than the mean percentage of states without prison menstrual laws ( $M = 30$ ,  $SD = 8.4$ ). Similarly, the presence of women legislators in a state was not a predictor of the presence of prison menstrual laws, per the binomial logistic regression model. Given these results, the null hypothesis cannot be rejected.

***Testing of Hypothesis 2: States with a higher proportion of female prisoners are more likely to have a prison menstrual law.***

An independent samples t-test and binomial logistic regression were conducted to determine if there were significant differences or predictions with regard to the presence of prison menstrual laws in states based on the number of female prisoners. For the independent samples t-test, there was a *statistically significant* effect on the presence of prison menstrual laws,  $t(46) = 2.04$ ,  $p = .048$ , and the mean percentage of states with female prisoners ( $M = 6$ ,

SD=2.1). The prevalence of female prisoners in a state was a predictor of the presence of prison menstrual laws, per the binomial logistic regression model. Given these results, the null hypothesis can be rejected.

**Testing of Hypothesis 3:** *States with a higher level of spending on prisons are more likely to have a prison menstrual law.*

To determine if states with a higher level of spending on prisons are more likely to have a prison menstrual law, an independent samples t-test, a Mann-Whitney U-test, and a binomial logistic regression were conducted. For the independent samples t-test, there was no significant effect on the presence of prison menstrual laws,  $t(46) = -.379$ ,  $p = .706$ , despite the mean percentage of state spending on prisons ( $M=2$ ,  $SD=0.59$ ) being less than the mean percentage of states without prison menstrual laws ( $M=30$ ,  $SD =8.4$ ). However, for the Mann-Whitney U test, state spending on prisons was *statistically significantly* higher in states with prison menstrual laws ( $Mdn = \$967k$ ) than in states without prison menstrual laws ( $Mdn = \$369k$ ),  $U = 400$ ,  $z = 2.322$ ,  $p = .02$ . Therefore, the amount of money spent on state prisons in a state was a predictor of the presence of prison menstrual laws, per the Mann-Whitney U test. Given these results, the null hypothesis can be rejected.

**Testing of Hypothesis 4:** *States with a more liberal government ideology are more likely to have a prison menstrual law.*

A Mann-Whitney U test and binomial logistic regression were conducted to determine if there were significant differences or could predict the presence of prison menstrual laws in states based on government ideology. There was a violation to the normal distribution assumption for the independent samples t-test, and therefore it still qualified for the binomial logistic regression test where normality was not a requirement. For the Mann-Whitney U test, government ideology was not significant in states with prison menstrual laws ( $Mdn = 45.70$ ) than in states without

prison menstrual laws (Mdn = 29.68), U = 400, z = 1.022, p = .307. Government ideology was not a predictor of the presence of prison menstrual laws, per the binomial logistic regression model. Given these results, the null hypothesis cannot be rejected.

**Testing of Hypothesis 5:** *States with a Democratic-controlled legislature are more likely to have a prison menstrual law.*

For the fifth hypothesis, a crosstabulations with Chi Square was used to determine the association between the party control (Democratic, Republican, Divided) of the state legislature and the presence of prison menstrual laws in the state. Table 7 presents the crosstabulation for these two variables.

**Table 7**

*Party Control by Prison Menstrual Laws*

		State has a prison menstrual law		Total	
		No	Yes		
Party control of state legislature	Democratic	Count	5	9	14
		%	20.0%	39.1%	29.2%
	Republican	Count	13	9	22
		%	52.0%	39.1%	45.8%
	Divided	Count	7	5	12
		%	28.0%	21.7%	25.0%
Total	Count	25	23	48	
	%	100.0%	100.0%	100.0%	

$X^2=2.12, p>.05$

For this study’s sample, among all the states with prison menstrual laws, the number of states is the same (9, 39.1%) for both Democratic and Republican controlled legislatures. However, among all the states that do not have prison menstrual laws, more than half (13, 52%) are Republican-controlled states.

A Chi Square ( $X^2$ ) test was run to determine if there was a significant association between party control of the state legislature (Democratic, Republican, Divided) and whether a state has prison menstrual laws. For this hypothesis, there was no statistically significant association,  $\chi^2(1) = 5.195$ ,  $p > .05$ . Therefore, the results from the crosstabulations are specific to the study's sample and cannot be generalized to the population.

**Testing of Hypothesis 6:** *States with a higher level of legislative professionalism are more likely to have a prison menstrual law.*

A Mann-Whitney U test was conducted to determine if there were significant differences between the states with prison menstrual laws and those without based on legislative professionalism. The variable data violated three of seven binomial logistic regression assumptions, and therefore was not included in the regression model. For the Mann-Whitney U test, legislative professionalism was not significant in states with prison menstrual laws (Mdn = .214) than in states without prison menstrual laws (Mdn = .181),  $U = 359.5$ ,  $z = 1.486$ ,  $p = .137$ . Legislative professionalism was not a predictor of the presence of prison menstrual laws, per the Mann-Whitney U test. Given these results, the null hypothesis cannot be rejected.

**Testing of Hypothesis 7:** *States with an individualistic or moralistic political culture are more likely to have a prison menstrual law.*

Finally, a crosstabulations with Chi Square was used to determine the association between political culture (individualistic, moralistic, traditionalistic) of the states and the presence of prison menstrual laws in the state. Table 8 presents the crosstabulation for these two variables.

**Table 8***Political Culture by Prison Menstrual Laws*

		State has a prison menstrual law		Total	
		No	Yes		
Political culture	Individualistic	Count	9	6	15
		%	36.0%	26.1%	31.3%
	Moralistic	Count	12	5	17
		%	48.0%	21.7%	35.4%
	Traditionalistic	Count	4	12	16
		%	16.0%	52.2%	33.3%
Total	Count	25	23	48	
	%	100.0%	100.0%	100.0%	

For this study's sample, among all the states with prison menstrual laws, more than half (12, 52.2% were traditionalistic states, with the number of individualistic (6, 26.1%) and moralistic (5, 21.7%) states being similar. However, among all the states that do not have prison menstrual laws, there were more moralistic states (12, 48%) than individualistic (9, 36.0%) and traditionalistic (4, 16.0%) states.

A Chi Square ( $X^2$ ) test was run to determine if there was a significant association between the political culture states (individualistic, moralistic, and traditionalistic) and whether a state has prison menstrual laws. For this hypothesis, there was a *statistically significant* association,  $\chi^2(2) = 7.412$ ,  $p = .025$ . Therefore, the results from the crosstabulations are not specific to the study's sample and can be generalized to the population.

**Conclusion**

Based on the findings from series of inferential tests on this study's sample, the following results are applicable for the first research question:



<b>RQ1.</b>	<b>Results</b>
H <sub>1</sub> . States with a higher proportion of female legislators are more likely to have a prison menstrual law.	For H <sub>1</sub> , neither the independent samples t-test nor the logistical regression model produced statistically significant results. Therefore, we fail to reject the null hypothesis, and the likelihood of a prison menstrual law cannot be determined based on the proportion of female legislators.
H <sub>2</sub> . States with a higher proportion of female prisoners are more likely to have a prison menstrual law.	For H <sub>2</sub> , the independent samples t-test produced <i>statistically significant</i> results. Therefore, we reject the null hypothesis, and the likelihood of a prison menstrual law can be determined based on the proportion of female prisoners.
H <sub>3</sub> . States with a higher level of spending on prisons are more likely to have a prison menstrual law.	For H <sub>3</sub> , the Mann-Whitney U produced <i>statistically significant</i> results. Therefore, we reject the null hypothesis, and the likelihood of a prison menstrual law can be determined based on state spending on prisons.
H <sub>4</sub> . States with a more liberal government ideology are more likely to have a prison menstrual law.	For H <sub>4</sub> , neither the Mann-Whitney U test nor the logistical regression model produced statistically significant results. Therefore, we fail to reject the null hypothesis, and the likelihood of a prison menstrual law cannot be determined based a liberal government ideology.
H <sub>5</sub> . States with a Democratic-controlled legislature are more likely to have a prison menstrual law.	For H <sub>5</sub> , the Chi-Square test did not produce statistically significant results. Therefore, we fail to reject the null hypothesis, and the likelihood of a prison menstrual law cannot be determined based on a Democratic controlled legislature.
H <sub>6</sub> . States with a higher level of legislative professionalism are more likely to have a prison menstrual law.	For H <sub>5</sub> , the Mann-Whitney U test did not produce statistically significant results. Therefore, we fail to reject the null hypothesis, and the likelihood of a prison menstrual law cannot be determined based legislative professionalism.
H <sub>7</sub> . States with an individualistic or moralistic political culture are more likely to have a prison menstrual law.	For H <sub>7</sub> , the Chi-Square test did produce <i>statistically significant</i> results. Therefore, we reject the null hypothesis, and the likelihood of a prison menstrual law can be determined based on political culture.

In summary, presented are the results of this quantitative study on what internal factors correlate with state adoption of prison menstrual laws. For this research question, there were seven hypotheses, of which three (H<sub>2</sub>, H<sub>3</sub>, H<sub>7</sub>) were supported and statistically significant at the 95% confidence level. In contrast, the study failed to reject the null hypothesis for four hypotheses (H<sub>1</sub>, H<sub>4</sub>, H<sub>5</sub>, H<sub>6</sub>). Given these results, the internal state factors that correlate with state

adoption of prison menstrual laws are the number of female prisoners, state spending on prisons, and political culture.

This study is unique in its focus on a public policy targeting women outside of abortion (Kreitzer, 2015), welfare (Volden, 2021), and domestic violence (Schiller & Sidorsky, 2022). This study looked specifically at state prison menstrual laws, which are markedly exclusive to women. It can be concluded from this study that prison menstrual laws do not seem to be related to: 1) the percentage of women in the state's legislature; 2) state government ideology; 3) state legislature party control; or 4) the level of professional professionalism in the state legislature.

While there was some supportive evidence in the literature that suggested the presence and latest increase in women in the legislature could increase the diffusion of distinct gender-specific policies, it was not shown here. This could be for two reasons. First, the sample size of women legislators may have been too small to detect a statistically significant relationship. Men still far outnumber women legislators. Second, having a small sample size of women legislators resulted in a lack of variability. The small number of women legislators is relatively similar across the United States therefore resulting in the potential for there not being enough variation to detect any correlation. Despite this, this research does add to the very limited literature on women incarcerated and distinct policies outside of pregnancy and sexual safety. This study found that the population of state female prisoners does impact gender specific policymaking evident by it being shown that states with a higher proportion of female prisoners are more likely to have a prison menstrual law. As a result, this outcome furthers the need for additional substantive issues related to women prisoners to be researched to address the lack of gender-specific policymaking specific to women in prison.

The research additionally supports the previous research on how state spending on prisons can correlate to more prison resources. Although women's prison populations are much smaller than men's, this study showed when there is a large proportion of state dollars spent on prisons, state policies can be instituted that directly responds to needed resources of women prisoners such as menstrual products.

In addition to this research showed a strong correlation between state female prisoner populations, state prison expenditures and prison menstrual laws. It showed one political characteristic, state political culture, as being strongly related. A surprising outcome of this study was liberal state governments, Democratic controlled state legislatures, and state governments with higher levels of legislative professionalism being less likely to have prison menstrual laws. The surprise is due to liberal state governments and democratic controlled states having a history of being more supportive and in favor of policies and laws favoring health and reproductive rights of women. This surprising outcome is cautiously observed since these internal factors may have been poorly measured or may not have been sensitive enough to detect a relationship. For instance, several nuances related to government ideology, state legislature party control, and level of legislative professionalism may have impacted outcomes that was not clearly measured or identified in this study such as partisan polarization. The limitations section to follow will also address potential reasons that these variables and hypotheses were not supported.

### **Limitations**

There are some limitations to generalizing the results of this research. As this research highlights, there is an upward trend of states passing state prison menstrual laws. Several states have prison menstrual legislation on the agenda, presumably because advocates call for state-

level legislation modeled after the federal government's *First Step Act* and *Dignity for Incarcerated Women Act*, which includes common-sense provisions that address the unique medical needs of incarcerated women, among other issues. Future research, and subsequently the subject of the following final study in this series, is needed to determine if factors such as the federal government's *First Step Act* was a factor in states decision to adopt prison menstrual laws.

Overall, the number of states passing state prison menstrual laws will need to be monitored and further researched for strong statistical significance in determining internal factors that correlate to having a prison menstrual law. Using event history analysis will create better statistical analysis (Berry & Berry, 1990; Rogers, 1995).

This research is unique in looking at non-private state prison menstrual laws. Generalizations cannot be extended to all state prisons since some state prisons are privately controlled, and just like private state prisons, non-private state prisons may have general prison policies that are inclusive of responding to the menstrual need of women prisoners. As such, additional research that includes individual prison policies related to responding to the menstrual needs of women prisoners is warranted.

There also is little to no previous public policy research on menstrual health, including product availability, accessibility, and healthcare services for menstrual-related symptoms and experiences. Public policy research and data on policies related to women and their experience as prisoners are limited (Swavola et al., 2016; Talvi, 2007). This limitation made the research dependent upon past research that was related but not specific to prisoner menstrual policies. As a result, formulated policies were based on issues indirectly related to the policy topic of prison menstrual laws.

Lastly, this is the second of three studies on the same topic in determining the factors that correlate to state prison menstrual laws. The final study in this series will attempt to triangulate the findings of this study and the first study in this series, as well as uncover any additional factors examined in the first and second study. Therefore, it is possible that other factors (or combination thereof) outside of those studied in this research could be the impetus for state prison menstrual laws.

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### Appendix 1: States with Prison Menstrual Laws

State	Year Passed
Alabama	2019
Arizona	2021
Arkansas	2019
California	2018
Colorado	2019
Connecticut	2018
Delaware	2018
Florida	2018
Kentucky	2018
Louisiana	2018
Maine	2021
Maryland	2018
Minnesota	2021
Mississippi	2021
Missouri	2021
New Jersey	2018
New York	2019
North Carolina	2021
Oregon	2019
South Carolina	2020
Tennessee	2019
Texas	2019
Virginia	2018

**Appendix 2: States with a Prison Menstrual Law including Bill Number and Key Provisions**

State	Bill Number	Key Provisions
Alabama	Al. St. § 14-3-44 (2019); Al. St. § 14-6-19 (2019)	Requires county sheriffs and the Department of Corrections to provide pads and tampons upon request.
Arizona	Ariz. Rev. Stat. § 31-201.01 (2021)	On request of a female inmate, the director shall provide female inmates with a sufficient supply of feminine hygiene products. Notwithstanding any other law, the director may not charge female inmates for feminine hygiene products. "Feminine hygiene products" includes tampons, sanitary napkins, menstrual sponges, menstrual cups and similar items that are used for a menstrual cycle.
Arkansas	Ark. Code Ann. § 12-32-103 (2019)	A correctional or detention facility shall establish a policy for providing a necessary number of hygiene products for female inmates and detainees.
California	Cal. Penal Code § 3409 (2018)	All incarcerated people who menstruate must be provided menstrual products upon request.
Colorado	Colo. Stat. § 26-1-136.5 (2019)	Department of Human Services shall provide whichever menstrual products (tampons/pads/ pantliners) are requested by a person in jail custody at no cost and without restriction.
Connecticut	Conn. Stat. § 18-69e (2018)	Inmates must be provided with tampons/pads upon request as soon as practicable, for free and in a quantity that is appropriate to the health care needs of the inmate.
Delaware	Del. Stat. Tit. 29 § 9003 (2018)	Department of Correction must provide tampons and pads to prisoners at no cost.
Florida	Fla. Stat. § 944.242 (2019)	All correctional facilities must make menstrual products available for free and in an appropriate quantity.
Kentucky	Ky. Stat. § 441.055 (2018)	Department of Corrections must promulgate "minimum standards" that include an adequate number of menstrual products for prisoners who need them.
Louisiana	La. Rev. Stat. 15 § 892.1 (2018)	Requires menstrual products to be provided to all incarcerated Women at no cost, in an appropriate quantity, and the products must be available in the housing units and the medical area of the facility.
Maine	Me. Rev. Stat. Ann. 34-A § 3031-9 (2021)	Comprehensive access to menstrual products, including, but not limited to, sanitary pads and tampons, provided and available at all times and without inconvenience or charge to a person who menstruates who resides in a correctional or detention facility
Maryland	Md. Corr. Servs. § 9-616 (2018); Md. Corr. Servs. § 4-214 (2018)	Each correctional facility must have a written policy in place providing free tampons and pads to inmates upon admission, a routine basis, and request.
Minnesota	Minn. Stat. §. 241.021 (2021)	Female inmates in state correctional facilities must be provided with feminine hygiene products per a process developed by the commissioner of corrections.
Mississippi	Miss. Code Ann. § 47-5-1505 (2021); Miss. Code Ann. § 47-5-1515 (2021)	"Menstrual hygiene products" means products that women use during their menstrual cycle. This includes tampons, sanitary napkins and menstrual cups. The Department of Corrections shall ensure that sufficient personal hygiene products are available at each facility for all incarcerated women.
Missouri	Mo. Rev. Stat. §217.199 (2021)	This act provides that Director of Corrections shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center. These products must conform to industry standards.

New Jersey	N.J. Rev. Stat. § 30: 1B-6.8 (2018)	Require standard feminine hygiene products, including but not limited to, tampons and sanitary pads, be provided at the request of and free of charge to female inmates, and petroleum jelly, aspirin, ibuprofen, and any other item deemed appropriate by the commissioner, to be made available to inmates from the commissary or medical department
New York	NY Correct. § 625 (2019)	Pads, tampons, and other menstrual products must be provided at no cost to individuals in state and local correctional facilities where Women are detained or confined.
North Carolina	N.C. Gen. Stat. § 148-25.4 (2021)	The Department of Public Safety and the administrator of the correctional facility shall ensure that sufficient menstrual products are available at the correctional facility for all female incarcerated persons who have an active menstrual cycle. Female incarcerated persons who menstruate shall be provided menstrual products as needed at no cost to the female incarcerated person.
Oregon	Or. Rev. Stat. § 169.635 (2019)	Regional correctional facilities shall make available tampons, sanitary pads, postpartum pads and panty liners at no cost to all prisoners for use in connection with vaginal discharge. Facilities shall maintain a sufficient supply, which shall be stored, dispensed and disposed of in a sanitary manner.
South Carolina	S.C. Code Ann. § 24-13-35 (2020)	Correctional facilities, local detention facilities, and prison or work camps must ensure that sufficient menstrual hygiene products are available at each facility for all women under their care who have an active menstrual cycle. Indigent inmates must be provided the hygiene products at no cost.
Tennessee	Tenn. Code Ann. § 41-21-245 (2019)	On request of a female inmate, the department shall provide free of charge to the inmate up to 10 feminine hygiene products per day that comply with applicable federal standards for comfort, effectiveness, and safety.
Texas	Tenn. Code Ann. § 49-6-452 (2019)	Requires Department of Criminal Justice to provide up to 10 menstrual products per day free of charge upon request.
Virginia	2018 Va. Laws Ch. 815 (H.B. 83)	Requires that the Board of Corrections adopt and implement a standard to ensure the provision of menstrual products to detainees, and the Department of Corrections to do so with regard to prisoners.

**Appendix 3: States with Menstrual Legislation Introduced but Not Passed**

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State	Year Introduced
Georgia	2021
Hawaii	2021
Illinois	2021
Indiana	2022
Iowa	2020
Kansas	2020
Massachusetts	2021
Michigan	2022
Nebraska	2018
Nevada	2021
New Hampshire	2019
New Mexico	2018
Ohio	2019
Oklahoma	2019
Pennsylvania	2019
Rhode Island	2021
Utah	2021
Vermont	2020
Washington	2018
West Virginia	2022
Wisconsin	2019
Wyoming	2020

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<b>Variable</b>	<b>Operationalization</b>	<b>Data Source</b>	<b>Level of Measurement</b>
<i>Social Factors Variables</i>			
Women Legislators	Percentage of women legislators in each state	National Conference of State Legislatures, 2020	Interval
Women Prisoners	Percentage of women prisoners in each state	Bureau of Justice Statistics, 2021	Interval
<i>Economic Factors Variables</i>			
Prison Expenditures	Percentage of a state's budget that is spent on prisons.	U.S. Census, 2019	Interval
<i>Political Factors Variables</i>			
Government Ideology	Index Range: (18.87-70.38)	Berry et al., 2018	Interval
Party Control	Democrat=1; Republican=2; Divided=3	National Conference of State Legislatures, 2020	Nominal
Legislative Professionalism	Index Range: (.048-.431)	Squire, 2017	Interval
Political Culture	Individualistic=1; Moralistic=2; Traditionalistic=3	Elazar, 1966	Nominal

**Appendix 4: Table of Independent Variables**

### Chapter 3

#### **Influencing the Spread of Prison Menstrual Laws: A Case Study on Alabama and Arkansas**

In response to the growing need of female prisoners, the federal government passed the bipartisan criminal justice reform bill, the *First Step Act of 2018*. While the act includes provisions to address various issues within the criminal justice system, including mandatory minimum sentences, recidivism, and compassionate relief for terminally ill and elderly inmates, it also provides reform specifically for incarcerated women. Section 301 and Section 611, respectively, outlaw the use of restraints on pregnant prisoners under the authority of federal prisons as well as a provision that orders the Bureau of Prisons to make available to each prisoner free and sufficient supplies of menstrual products, specifically "tampons and sanitary napkins" (First Step Act, 2018).

Nevertheless, the *First Step Act of 2018* only applies to federal prisons, not state prisons. Despite the growth of women in state prisons, only a fraction of states passed laws similar to the provisions specific to women prisoners as specified in the *First Step Act of 2018*. Therefore, the primary impetus for this study was to investigate the factors that went into the development and passage of prison menstrual laws by the states with them, specifically the states of Alabama and Arkansas. State prison menstrual laws is state legislation passed specific to the access, availability, and affordability of menstrual products, encompassing aspects related to personal care, medical treatment, and healthcare interventions specific to menstruation-related symptoms.

In recent years, there has been a growing awareness of the unique needs that women in prison face, consequently the response by the federal government and the women-specific provisions in the *First Step Act of 2018*. Women are the fastest-growing segment of the

incarcerated population. However, there is ample research that has documented how women prisoners receive subpar medical care and is subject to degrading treatment, including the denial of essential hygiene products (Bostock, 2020; Bozelko, 2020; Seibold& Fienberg, 2019; Van den Bergh et al., 2011). From inadequate healthcare to issues related to their menstrual cycle, female inmates often encounter barriers that their male counterparts do not. As a result, several states, yet not all, have implemented legislation that mandates prisons to respond to the menstrual needs of women while incarcerated, including providing menstrual products. The recent wave of prison menstrual laws has resulted in an interest in learning what factors have influenced some states to develop and pass prison menstrual laws. In the previous two studies in this series of essays on the diffusion of prison menstrual laws, outcomes to quantitative analysis revealed several findings:

1. States with a higher proportion of women prisoners are more likely to have a prison menstrual law;
2. States with a higher level of spending on prisons are more likely to have a prison menstrual law;
3. States' with a traditionalistic political culture are more likely to have a prison menstrual law;
4. States' were more likely to pass a prison menstrual law after Congress passed the First Step Act in December 2018 than previously;
5. States' that expanded its Medicaid program under the Protection and Affordable Care Act (2010) are more likely to have a prison menstrual law.

One of the noticeable data observations of the previous studies in this series is the vast number of southern states that passed prison menstrual laws. Most states in the southern region of the United States have passed prison menstrual laws. The southern states of the United States have a long and troubled history regarding their prisons and prisoners' treatment (Robertson & Jonsson, 2021). Historical evidence shows that many prisons in the southern region are known for their inhumane conditions, with overcrowding and unsafe living conditions being common problems (Robertson & Jonsson, 2021). Additionally, many prisons in the southern region are known to unjustly target specific groups of people, including minorities and women, and subject them to harsh and excessive punishments (Robertson & Jonsson, 2021).

Concerning women's prisons in the southern states, the situation has been particularly dire. Many women's prisons were deficient regarding proper living conditions and necessities such as hygiene products and medical care. Female prisoners are often subject to sexual assault, exploitation, and harassment by both other inmates and prison staff. In some extreme cases, women are used as forced labor and subjected to physical abuse and torture (Dewey et al., 2023; LeFlouria, 2015; Thompson, 2021). These factors have contributed to a criminal justice system for women that can be considered cruel and inhumane and inhibits rehabilitation or reform for those incarcerated.

Evidence of most states in the southern region having menstrual prison laws is surprising because these states have been known for their conservative attitudes towards women's health and reproductive rights, therefore seemingly making it unlikely that lawmakers in these states to prioritize the health and well-being of incarcerated women. This study focused, in part, on this phenomenon among other research gaps.

Although limited, past research on prisons and menstruating prisoners has unveiled several gaps:

1. There is a dearth of public policy literature on the examination of policies, legislation, and laws specific to women outside of the prevalent issues of abortion, domestic violence, cancer (breast cancer, cervical cancer), and welfare. There is also a dearth criminal justice literature on matters and issues about women offenders, especially those outside of pregnancy and sexual assault while incarcerated.
2. As related to the first gap, much of the research has been quantitative, needing more ability to triangulate findings with qualitative insight.
3. Diffusion studies on public policies regarding menstruation are nearly non-existent.

While the relative newness of these laws may contribute to the lack of research regarding menstruation and public policies, historical research suggests otherwise since the disciplines of political science and criminal justice have few to no studies regarding menstrual equity as a matter of policy, human rights, and constituent needs. In response to this gap, this study aimed to understand the conditions and context where prison menstrual policies were adopted in two culturally and geographically similar southern states, Alabama and Arkansas, and describe their potential policy diffusion plans or methods.

Building on the previous research on menstrual equity, policy diffusion, and the role of political actors in the policy-making process, this research ascertained the conditions and factors by which two states, Alabama and Arkansas, adopted a prison menstrual law. The overarching research question is: What factors influenced the adoption of a prison menstrual law of two states

in the southern region of the United States? Employing a case study design, this research included insights from state legislators, prison officials, and women advocacy group leaders as a result of semi-structured interviews as well as other written narratives and documents to understand the factors that went into respective state passage of prison menstrual laws.

## **Literature Review**

### **Policy Diffusion**

Historical research has established that policies may spread due to several factors including state geography (its proximity to other states) and state political culture, of which supported through previous research in this series on state prison menstrual law passage. Policy diffusion refers to the process by which policies, ideas, or innovations spread across political jurisdictions, often from one government or institution to another (Berry & Berry, 2007). Berry and Berry (2007) further articulated policy diffusion as a process where one government's decision to adopt a policy either influences or is influenced by the decisions of other governments. They described four ways in which policies spread across states: leader-laggard diffusion, regional diffusion, vertical diffusion, and coercive diffusion.

The second study in this series explored the influence of regional, vertical, and coercive diffusion on the spread of prison menstrual laws. Sometimes referred to as horizontal diffusion, regional diffusion refers to the spread of policies and laws across states. According to Berry & Berry (2007) and Walker (1969), geographical proximity is a critical factor influencing policy diffusion. The decision to pass a law based on its passage in another state within proximity is plausible and not unique. One reason states emulate policies adopted by neighboring states is to shorten and streamline the decision-making process (Walker, 1969). Prominent examples of regional diffusion are seen in studies conducted on gaming lotteries (Berry & Berry, 1990);

higher welfare benefits and resources (Peterson & Rom, 1989); domestic terrorism laws (Chamberlain & Haider-Markel, 2005); hate crime policies (Allen et al., 2004; Soule & Earle, 2001), and confinement of sex offenders (Sutherland, 1950). This study investigated if Alabama's and Arkansas' close geography, or close geography with other states with a prison menstrual law influenced, their development and subsequent passage of prison menstrual laws.

Vertical diffusion is the spread of state policies based on the adoption of such policies by the federal government. States may feel pressured by the federal government, or states may be incentivized to institute a similar law (Allen et al., 2004). Incentivization is the most influential in state policymaking, as established by research (Dubnick & Gitelson, 1981; Eyestone, 1977; Hamilton & Wells, 1990). However, to date, the federal government has not incentivized prison menstrual laws. A few examples of federal mandates that have resulted in state laws include same-sex marriage laws that require states to allow for same-sex marriages; the *Voting Rights Act of 1965*, which once mandated laws and policies regarding states and voting; *Clean Air and Clean Water Acts* that require state laws and policies governing clean air and water standards; and the *Sex Offender Registration and Notification Act (SORNA)* requiring all states to enact sex offender registration and notification laws and policies. While these federal mandates require states to develop such policies and laws, vertical diffusion can also result from non-mandated or optional policy and law adoption by states such as prison menstrual laws. One of the goals of this research was to determine if there was influence from the federal government's *First Step Act of 2018* that led to the states of Alabama and Arkansas's development and adoption of their respective prison menstrual law. A few studies in the disciplines of criminal justice and public policy have solely concentrated on vertical diffusion (Allen et al., 2004; Karch, 2006; Shipan & Volden, 2008; and Karch, 2012).

Coercion as an external mechanism of diffusion is when "government *A* is coerced into adopting a policy when a more powerful government, *B*, ...in the extreme case forces *A* to adopt" (Berry & Berry, 2018, p. 259). Coercive pressure can occur from within the state from political actors such as advocacy groups and organizations that can influence states to adopt new policies (Dobbin et al., 2007). Coercive pressure can originate from legal mandates, threats, lawsuit, the federal government, or even organizations for a state to add, reduce, or eliminate resources and services (Mizruchi & Fein, 1999). Coercive action can include incentives and grants (Church & Heumann, 1992; Giblin, 2006; Maxwell, 1952). Nevertheless, some coercive pressures can be extreme and hinge on potential punitive consequences should policy change not occur. One such coercive action against state prisons is the threat of federal takeover or control of prisons if policy changes or improvements do not occur. Typically, the Department of Justice (DOJ) can take legal action against states if a state prisons or prison systems violate the Constitution regarding prisoners' living conditions, medical treatment/care, and cases of abuse or neglect (Deitch, 2009). The DOJ can file a lawsuit to force change, or the DOJ can allow the prison or state prison system to make changes through a consent decree (Deitch, 2009). A *consent decree* is an agreement to avoid civil litigation between two parties. One premise of this research is to determine if coercive action by the Department of Justice on state prisons in Alabama and Arkansas influenced the passage of prison menstrual laws.

Few previous studies are specific to the Department of Justice and the effects of coercive action against state prisons (Chanin, 2012). Some studies have looked at factors that influenced the implementation of policies or rules at law enforcement agencies and correctional centers (Bazemore et al., 1994; Castellani, 1992; Holt, 1998; Kupferberg, 2008; Lin, 2000; McMickle, 2003; Rudes et al., 2011; Stone, Foglesong, & Cole, 2009). This study investigated if any



coercive actions against women's prisons in Alabama and Arkansas influenced their development and passage of prison menstrual laws.

Another outcome from a previous study in this series on prison menstrual laws was the influence of political culture on the diffusion of prison menstrual laws. Several existing studies suggest that state legislation and laws are related to its political culture (Elazar, 1984). Elazar's (1984) seminal work on political culture classified the division of the United States into three political cultures: individualistic, moralistic, and traditionalistic. According to Elazar (1984), these cultures could explain the variation in state programs, policies, and laws. These political cultures are deeply rooted in the geographical region of where states are and the historical attitudes, values, and views of the residents of these areas. However, this is not always the case; geography has been dismissed as a traditional means of defining political cultures (Elazar, 1984). This dismissal is primarily because migration patterns of constituents shift and cannot always be explained (Elazar, 1984).

Alabama and Arkansas are two southern states, each with distinct political histories, yet the two states have followed the traditionalistic culture that has been primarily dominant in southern states. This culture is aligned with the belief that societal elites lead and control the government to maintain social order (Elazar, 1984). Further, the belief is that government should be limited in how it interferes with the lives of the public. Because of this belief in limited government, the traditionalistic states would likely not support any state policy governing prison menstrual responses. While the first study in this series on prison menstrual laws found that states with an individualist culture were more likely to have a prison menstrual law, this study focused on two traditionalistic states. As such, it became essential to hear from policymakers and stakeholders in these traditionalistic states that a majority have passed prison menstrual laws.

## **Research Methods**

This study uses a comparative case study design to understand the factors that influenced the states of Alabama and Arkansas to pass a prison menstrual law. The case study design of this study allowed for a robust, qualitative narrative to describe and explicate the factors that went into the passage of prison menstrual laws. Case studies are essential in studying politics and public policies for several reasons. Case studies provide a comprehensive and detailed exploration of political phenomena, events, or specific instances, such as laws as unique as state prison menstrual laws (Becker, 2017). Additionally, case studies typically involve collecting a range of data, such as interviews, surveys, observations, and historical documents (King, Keohane, & Verba, 2021). These rich data sets can provide valuable insights into the complexities and context of a political issue. Lastly, case studies allow for comparative analyses between different political systems or situations, which can help identify patterns, similarities, and differences (King, Keohane, & Verba, 2021). This analysis can give a more general understanding of political behavior and inform policy recommendations.

This research design is also based on the qualitative research design performed by Merriam and Tisdell (2016). According to Merriam & Tisdell (2016), research that is a case study in design provides a “rich, thick description” (p. 259) of the research topic. Namely, for this research, a detailed, thick description of the processes, methods, and influences of state prison menstrual law development and passage is the purpose and objective. Data for this research were collected from: interviews with state legislators, prison officials, and advocacy

group leaders; a review of policy documents; web pages containing information on prison menstrual laws in each respective state; state bills; and state legislative notes.

### **Data Collection**

Interviews were completed by purposeful sampling. Purposeful sampling allowed for interviews from a sample of persons from whom information regarding prison menstrual laws could be learned (Merriam & Tisdell, 2016). The two cases compared for this study were state prison menstrual laws passed in Alabama and Arkansas. Alabama and Arkansas were chosen for several reasons: their geographic proximity to each other; their similar population size; similar cultural milieu including demographics and political culture; socioeconomic status of citizens; and state legislative structures. Table 1 provides a demographic comparison and overview of the two states based on 2020 United States Census data and other data sources.

The data collection for this study relied on a diverse range of sources, primarily including newspapers, journal articles, state webpages, and state legislative documents. These sources provided quotes from interviews, legislative notes, and historical context central to this research. Where responses from live interviews were limited and slow to materialize, these written sources became necessary. Despite numerous requests for live interviews sent out to advocacy group leaders, non-profit leaders, state legislators, and corrections officials in Alabama and Arkansas, only a handful of responses were received. Consequently, the study leaned heavily on the wealth of information collected from newspapers, journals, state webpages, and legislative documents.

**Table 1***Demographic data for Alabama and Arkansas*

	<b>Alabama</b>	<b>Arkansas</b>
<b>Total Population</b> (U.S. Census, 2021)	5,024,279	3,011,524
<b>Women Population</b> % of Women (of overall state population) (U.S. Census, 2021)	51.4%	50.7%
<b>Ethnicity of Population</b> (U.S. Census, 2021)	White: 68.9% Black or African American: 26.8% Hispanic or Latino: 4.8% Asian: 1.6% American Indian and Alaska Native: 1.1% Native Hawaiian and Pacific Islander: 0.7%	White: 78.6% Black or African American: 15.7% Hispanic or Latino: 8.3% Asian: 1.8% American Indian and Alaska Native: 1.1% Native Hawaiian and Pacific Islander: 0.4%
<b>Median Family Income, 2017-2021</b> (U.S. Census, 2021)	54,943	52,123
<b>% of Population Living in Poverty</b> (U.S. Census, 2021)	16.1%	16.3%
<b>Number of Prisons</b> (National Institute of Corrections, 2020)	14	20
<b>Number of Female Prisons</b> (Alabama Department of Corrections, 2022; Arkansas Department of Corrections, 2022)	1	3
<b>Total Female Prison Population, 2021</b> (Bureau of Justice Statistics, 2022)	2,162	1,313
<b>Female Prison Population Per Capita (Per 100,00 U.S. Residents), 2021</b> (Bureau of Justice Statistics, 2022)	48	92
<b>State Prison Expenditures</b> (National Institute of Corrections, 2020)	\$563,432,390	\$363,606,185
<b>State Per Capita Prison Expenditures, 2017</b> (Howmuch.net, 2019)	\$150	\$198

## *Minority Groups*

Women and blacks are the largest minority groups in the states of Alabama and Arkansas. Just over half of Alabama's population is made up of women while Arkansas's population is just about an even split of men and women (U. S. Census, 2021). While white's make up more than half of the population in both states, over a quarter of Alabama's population is black and just over 15% of Arkansas' population is black, highlighting a sizeable population of blacks in each state in comparison to other states in the country where blacks make up less than 15 percent of the population; only the states of Georgia (33%), Louisiana (33%), South Carolina (27%), and Mississippi (38%) have a higher percentage of blacks than the state of Alabama (U.S. Census, 2021). More than half (34) of the 50 states have a black population of under 15% of the total population (U. S. Census, 2021).

Like many other states, both Alabama's and Arkansas' history of women and blacks in the states have been characterized by lengthy periods of advocacy for equal rights, which remain active today. The 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> amendments of the United States Constitution, also known as the Reconstruction Amendments, established the abolishment of slavery, citizenship to all persons born or naturalized in the United States as well as equal protection under United States laws, and a right to vote respectively (Lash, 2021). Despite these constitutional amendments, both blacks and women did not have total equality and freedom in many aspects of life including politics. For instance, although the 15<sup>th</sup> amendments provided the right to vote, black men were hindered from voting by poll tax and literacy tests and no women could vote.

Both blacks and women during the 19<sup>th</sup> century were seeking the right to vote in addition to civil rights. One of the most notable periods of advocacy by women was during the late 19<sup>th</sup> century when the women's suffrage movement was active in both Alabama and Arkansas and

other states. After the historic Seneca Fall Convention of 1848 led by Elizabeth Candy Staton and other women leaders who led a "...protest against women's political, economic, and social inferiority" (Rohr, 2014, p. 50), both Alabama and Arkansas's women joined in the women suffrage movement. Alabama's suffrage movement was led by Julia Tutwiler, in which the sole women's prison today in Alabama is named after. Tutwiler also campaigned for higher education for women (Rohr, 2014). Catherine Campbell Cuningham and Haryot Holt Cahoon were leaders of the suffrage movement in Arkansas (Jones, 2016). Yet, the activism was not equal, with some of the suffrage movement's leaders against that of the right of blacks to vote while using anti-black rhetoric including Susan B. Anthony who is quoted as saying "I will cut off this right arm of mine before I will ever work or demand the ballot for the Negro and not the woman" (Jones, 2016, p. 3). Frances Willard, another suffrage leader added, "It is not fair that a plantation Negro who can neither read or write should be entrusted with the ballot" (Jones, 2016, p. 4). These sentiments were common in both Alabama and Arkansas with Alabama enacting a new constitution in 1901 that effectively legalized segregation and methods to suppress the black vote.

Both Alabama and Arkansas have troubling histories of racism, particularly in relation to blacks. Racial segregation and discrimination have been and continue to be prevalent in, but not limited to, both states. Alabama is known for its resistance to desegregation as evident in history by the Montgomery Bus Boycott (1955-1956) and violent responses to civil rights demonstrations, including Bloody Sunday (1965) during the Selma to Montgomery march (Novkov, 2023). Similarly, Arkansas' resistance to desegregation is remembered by the integration of Central High School in Little Rock when 9 black students faced violent opposition, and they had to be escorted by federal officers into the high school building (Jones-Branch,

2023). Although Alabama and Arkansas have made progress towards addressing their past history of racism, they continue to face challenges in social justice, including the rise in incarcerated women in both states.

### ***Women and Prison***

Alabama and Arkansas had unprecedented increases in the number of women in prison since 1980, with Alabama having a 583% increase and Arkansas with a 1231% increase in the female prison population between 1980 and 2017 (Vera Institute of Justice, 2019). While there is no definitive answer as to why there has been such a large increase in the number of women prisoners throughout the country, including in Alabama and Arkansas, some research has shed light on some factors that might have contributed to this rising population.

Drug offenses have played a significant role in the increasing number of women sentenced to prison (Haakma, 2020; Sawyer, 2018; Weber, 2018). Some women end up involved in drug-related activities, due to various reasons such as addiction, financial hardships, or event coerced involvement by close family members and friends, including romantic partners. Those women who struggle with drug addiction often resort to criminal activities to support their addiction (Couvrette, Brochu, & Plourde, 2016). As a result, they are at a higher risk of being arrested and imprisoned for drug offenses (Sawyer, 2018). The war on drugs and the implementation of what some consider “strict” drug policies have disproportionately targeted women (Haakma, 2020; Sawyer, 2018; Weber, 2018). Women who are involved in drug offenses, whether as users or drug dealers (sellers), are more likely to be incarcerated rather than being offered treatment or supportive services (Sawyer, 2018).

Women’s involvement in violent offenses is also correlated to the growth of women's prison populations (Gottlieb & Mahabir, 2021; Jeanis & Smith, 2020; Sawyer, 2018). While

women are generally less likely to engage in violent crimes compared to men, there has been an increase in the number of women committing violent offenses. Their criminal acts can be attributed to various reasons such as poverty, history of abuse, addiction, or mental health disorders (Gottlieb & Mahabir, 2021; Jeanis & Smith, 2020; Sawyer, 2018). As a result, some women have found themselves in situations where they have resorted to violence for self-defense or protection (Sawyer, 2018).

Both Alabama and Arkansas are witnessing the impact of drug offenses and violent crimes committed by women. Each state have limited state prison facilities solely for women. The state of Alabama has one prison for women and the state of Arkansas has three. Both states are currently experiencing an overpopulation of women prisoners as well as charges of inadequate living conditions for prisoners (Cassady, 2022; McLeroy, 2020; Smith, 2017; Thompson, 2021).

Although both Alabama and Arkansas share some similar political issues such as economic development, healthcare, and education, both states have been at the forefront of a call for prison reform for both male and female prisoners (Cassady, 2022; McLeroy, 2020; Smith, 2017; Thompson, 2021). Alabama has one female correctional facility, Julia Tutwiler Prison for Women. Ironically, it is named after Julia Tutwiler, a prominent advocate for prison reform in the late 19th and early 20th centuries (Alabama Department of Corrections, 2022). Tutwiler Prison for Women has a capacity of approximately 900 inmates, but it has often faced issues with overcrowding (Alabama Department of Corrections, 2022). As of 2021, over 2000 women were housed at Tutwiler Prison, well over the stated capacity (Bureau of Justice Statistics, 2022). Despite being overcrowded, Tutwiler continues to be filled by women sentenced to prison as it remains the only prison for women in the state. Since the early 2000's, there have been requests



to close the facility after the construction of new expansive facility or to renovate the facility to accommodate more prisoners (Dodge, 2008; Spencer, 2012; Bachman, 2014)).

Arkansas' primary female correctional facility is the McPherson Unit, a multi-security level facility for female inmates (Arkansas Department of Corrections, 2022). McPherson Unit has a capacity of around 800 inmates (Arkansas Department of Corrections, 2022). Alabama and Arkansas have been under scrutiny for conditions and treatment of women in their respective prisons. For instance, Julia Tutwiler Prison in Alabama received criticism for poor living conditions, lack of privacy, and allegations of abuse by staff members (Frank, 2014). This criticism led to a consent decree enforced by the Department of Justice which called for significant reform at the prison, including providing access to menstrual products (Braswell et al., 2017). The McPherson Unit in Arkansas has had fewer controversies than Alabama's Julia Tutwiler prison, but it still faces challenges related to prison rape and understaffing (Thompson, 2021).

### ***Politics***

Alabama and Arkansas share many commonalities in terms of politics, including their state legislatures. Historically, just as other southern states, Alabama and Arkansas held a democratic ideology rooted in conservative values and traditions (Bullock III & Rozell, 2021). Democratic conservative values and traditions of the 18<sup>th</sup> century well into 20<sup>th</sup> century consisted of strong support for states' rights, limited federal government involvement, and support for an agricultural economic base (Black & Black, 2009; Bullock III & Rozell, 2021; Hood, Kidd, & Morris, 2014; Maxwell & Shields, 2019 ). On the other hand, the republican ideology of the 18<sup>th</sup> century into the 20<sup>th</sup> century was rooted in support for capitalism, civil liberties, individual freedom, and as with democrats of the time, limited federal government involvement (Black &

Black, 2009; Bullock III & Rozell, 2021; Hood, Kidd, & Morris, 2014; Maxwell & Shields, 2019; ). Both Alabama and Arkansas were democratic states during the 18<sup>th</sup> century into the 20<sup>th</sup> century. During this period, both states enacted oppressive policies and practices that incited racial division among blacks and whites, including the implementation of segregationist policies such as “Jim Crow” laws that mandated the segregation or separation of public restrooms, schools, buses, and other public facilities between blacks and whites (Fremon, 2014; Hood, Kidd, & Morris, 2014). Both states, under democratic legislative control, opposed civil rights legislation and other policies and laws that attempted to end or outlaw segregation (Andrews & Gaby, 2015; Johnson, 2014).

Both Alabama and Arkansas, as other southern states, would later shift from democratic to republican states during the mid-20<sup>th</sup> century for several reasons. Democratic political figures during the 20<sup>th</sup> century would embrace civil rights reforms advanced during the civil rights movement. Embracing civil rights reforms would cause division amongst democratic leaders of the south especially those democrats that were opposed to the civil rights of blacks. The Voting Rights Act of 1965 would also divide democratic leaders. The Voting Rights Act (1965) which attempted to reduce and stop racial discrimination in voting, became a national law that southern states in particular had to adhere to. The act also challenged the supremacy of democratic leaders and the Democratic party of the south. By the mid-20<sup>th</sup> century, Republican politicians adopted a strategy to appeal to white voters in the south including those in Alabama and Arkansas, in an effort to increase political support for the republican party. The “southern strategy” was an intentional polarization between blacks and whites in the south by “...leveraging racism and white fear of people of color” (Strauss, 2020, p. 2). The “southern strategy” was successful in many southern states including Alabama and Arkansas, which would

result in a political shift from them being democratic states to republican states where they remain politically today.

Table 2 illustrates that both Alabama and Arkansas have bicameral state legislatures. Each consists of a state Senate and state House of Representatives. Both states have a Senate made of 35 members. Alabama has slightly more House members at 105 legislators while Arkansas has 100 (National Conference of State Legislatures, 2020). Arkansas is one of 16 states with legislative limits (National Conference of State Legislatures, 2023). Arkansas legislators can serve up to 12 consecutive terms in office, and after a four-year break, they may serve again. There are no legislative term limits in Alabama. According to the National Conference of State Legislatures (2021) the Alabama legislature is part-time, meaning it's legislators "...spend the equivalent of half of a full-time job doing legislative work" (p. 5). The Arkansas legislature is described as being "hybrid" in legislative work hours (National Conference of State Legislatures, 2021, p. 6). A hybrid legislature is one in which its legislators on average, "... spend more than two-thirds of a full-time job being legislators" (National Conference of State Legislatures, 2023, p. 6).

**Table 2***Political Comparison for Alabama and Arkansas*

	Alabama	Arkansas
Statewide majority political party affiliation by registered voters (Gallup, 2017)	Republican	Republican
% Republican	50%	45%
% Democrat	35%	36%
State Legislature (National Conference of State Legislators, 2020)	Bicameral  House of Representatives Total Seats=105 Republican =77 Democrat=28  Senate Total Seats=35 Republican=27 Democrat=8	Bicameral  House of Representatives Total Seats=100 Republican =76 Democrat=24  Senate Total Seats=35 Republican=26 Democrat=9
Legislative Term Limits	House of Representatives No term limits  Senate No term limits Republican=27	House of Representatives Can serve up to 12 consecutive terms in office and after a four year break may serve again.  Senate Can serve up to 12 consecutive terms in office and after a four year break may serve again.
Governance Structure of State (Non-Private) Prisons (Alabama Department of Corrections, 2022); (Arkansas Department of Corrections, 2022)	Alabama's prison system falls under the jurisdiction of the Alabama Department of Corrections (ADOC), which is overseen by a director appointed by the governor. The ADOC is responsible for managing all state prisons and supervising all state inmates.	Arkansas's prison system falls under the jurisdiction of the Arkansas Department of Corrections (ADC). The ADC is overseen by a director appointed by the governor. The ADC is responsible for managing all state prisons and supervising all state inmates.
Policy Lever: State Prisons and Menstruation	Alabama Code § 14-3-44 (2019)  “(b) The Department of Corrections shall provide feminine hygiene products to female prisoners at the expense of the department, as soon as is practicable, upon request by the female prisoner.”	Arkansas Code § 12-32-103 (2019)  “(2) A necessary number of hygiene products for female inmates and detainees;”)

Alabama and Arkansas have legislative similarities including the dominance of the Republican party. Republicans hold a majority in both legislatures, controlling a majority of seats in the Senate and House chambers (National Conference of State Legislators, 2020). With the republican ideology tending to mostly lean conservative, both states often prioritize policies that are limited in federal government involvement. State policy issues commonly supported by legislators in in both states includes pro-gun laws (Pomeranz, Silver, & Lieff, 2021) and anti-abortion laws (Ahern, 2020; Dyer, 2019).

### ***Corrections***

The prison systems of both states' fall under the jurisdiction of their respective Department of Corrections, overseen by a director appointed by the governor (Alabama Department of Corrections, 2022; Arkansas Department of Corrections, 2022). Alabama and Arkansas have a centralized Department of Corrections, which are responsible for overseeing various corrections facilities and programs (Alabama Department of Corrections, 2022; Arkansas Department of Corrections, 2022). Alabama houses a greater number of prisoners within their correctional institutions, compared to Arkansas, yet both states offer prisoners various rehabilitation and reintegration programming and resources, including vocational training, educational programs, substance abuse treatment, and mental health services (Bureau of Justice Statistics, 2022; Alabama Department of Corrections, 2022; Arkansas Department of Corrections, 2022).

### ***Prison Menstrual Policy Lever***

Alabama and Arkansas passed prison menstrual laws in 2019. During Alabama's 2019 regular session, house bill 308 (HB308) passed on May 23, 2019. The bill had been sponsored by Democratic House of Representative, Rolanda Hollis. It received bipartisan support with no

oppositions or votes of nay during house and senate votes. Arkansas prison menstrual law came in 2019 as an amendment to house bill 1523 (HB1523) passed on March 27, 2019. The bill had been sponsored by Republican House of Representative, Rebecca Petty. Like Alabama, it received bipartisan support with no oppositions or votes of nay during house and senate votes.

Articles and documents related to Alabama and Arkansas state prison menstrual laws were collected using web searches, public record requests, and document analyses. Interviews were conducted with those considered vital to policy development, according to research, including state legislators, state corrections officials, and women advocacy group leaders within the states of Alabama and Arkansas. The interviews were conducted to understand better how the menstrual prison laws in each state were developed and passed, including the factors considered in the policy-making process. This study triangulated the findings from the two previous studies in this series, including geographic influence; prison population gender, namely women, influence; and political culture influence.

### **Data Analyses**

The data were coded into the following topics: mission of stakeholders and institutions (advocacy groups, lawmakers, prison officials); political party affiliation or gender influence; prison policies and practices; policy models and consultation; state law and policy models; and missed information.

Data from each state's articles, documents, and interviews were entered into Excel and coded for patterns. The content analysis provided the following descriptive data about the factors that influenced the development and adoption of prison menstrual laws by the states of Alabama and Arkansas and the themes that emerged.

## **Results**

The overarching research question is as follows: What factors influenced the adoption of a prison menstrual law by two states in the southern region of the United States? The findings are presented here by comparing and contrasting Alabama's and Arkansas' prison menstrual policy development and prison menstrual law adoption.

### **Prison Menstrual Law Development**

#### *Mission of Stakeholders and Institutions*

In examining the mission of organizations and goals of individual stakeholders who participated or contributed to this study, they had the common interest and purpose of advocating for the interest and well-being of those they serve. For instance, as a lawmaker, Alabama State Representative Rolanda Hollis reported during an interview that she brought forth menstrual prison legislation in the state of Alabama "...after hearing stories of incarcerated women using cotton balls and rags to improvise their own product" (Associated Press, 2019). Lawmakers have the power to introduce, debate, and pass legislation. They are responsible for understanding the needs of their constituents and making informed decisions that affect public policy. In this instance, Representative Hollis considered the interests of incarcerated women in Alabama, who would be mostly impacted by prison menstrual laws. While many of the lawmakers for this research failed to participate in requested interviews, a few lawmakers directly involved in the passage of prison menstrual laws for each respective state had spoken out during interviews with news outlets. As a result, news articles, legislative notes, and other documents provided some insight into factors that led to the passage of prison menstrual laws.

Like many of the lawmakers contacted for this study, prison administrators from both states declined interview requests to discuss prison menstrual laws. Yet, some news articles and

other documents were found to give some understanding into their reluctance to speak including the documented history of prison officials' reliance on political and government sources to speak out on policies and laws passed (Welch, Weber, & Edwards, 2000); (Ross, 2011); and simply being an institution that is closed to communication to outsiders (Doyle & Ericson, (1996). Doyle & Ericson (1996) described prisons as "...the most closed institutions in the justice system..." (p. 155). Criminal justice administrators oversee the management of correctional institutions and facilities. They have experience and understanding of practical implications and challenges related to institutional operations. As such, prison officials were selected for their views on factors that influenced menstrual laws because of the ability to provide insight into the practical implications and challenges related to institutional operations before and after the passage of prison menstrual laws, including effectiveness, feasibility, and consequences. Both Alabama's and Arkansas's criminal justice administrators had similar responses when asked to be interviewed directly for this research. The Communications Director of the Arkansas Department of Corrections shared, "We have decided to respectfully decline to participate in your project" (personal communication, August 14, 2022). While there was no direct input into this research by prison administrators, other sources including online news sources with prison officials were used to offer insight into factors contributing to menstrual prison laws from their perspective.

Non-profit and advocacy group leaders often work directly with impacted communities, having firsthand experience and insight into faced by those such as women offenders. For this research, the focus is on non-profit leaders and advocacy groups that concentrate on specific causes and issues related to prison reform and women's rights. For instance, one participating Alabama agency's mission is "to provide services to Alabama's incarcerated women with



emphasis on enhancing personal growth and strengthening the bonds between inmate mothers and their children” (personal communication, August 3, 2022). Because of their direct insight, advocacy efforts, and experience in research to educate and inform others on prison reform and women’s rights, both non-profit and advocacy group leaders in both Alabama and Arkansas, were thought to be trustworthy and credible sources for providing potential factors that led to prison menstrual law passage in each state. One responding advocacy group in Arkansas’ reported their mission as to “...promote menstrual equity through donations, education, and legislation in Arkansas” (personal communication, June 17, 2022). Further, the founder of a women’s advocacy group in Arkansas provided commentary on her personal motivation to start a women’s advocacy group devoted to menstrual equity as a result of a book she read.

Regarding the formation of her organization, she shared:

Honestly, it was for me just learning about it...I read this book called *Period Power*... as well as in my own...research for classes in grad school. Like women having to use like T-shirts or the mattress stuffing...to care for themselves, and that is just like ridiculous. The fact that we already have people being mistreated in prisons and then just realizing this is like a serious human rights issue that nobody knows about. It makes you want to do something, because everybody deserves access to the products they need to live like a healthy life. (personal communication, June 17, 2022)

As a result of participation responses of stakeholders and institutions in this study, non-profit organizations and advocacy groups with interest in prison reform and women’s rights were the most responsive and offered the most willingness to provide insight into the factors that led to state passage of prison menstrual laws. While some were hesitant and selective of words used, they did provide their perspective in detail with respect to the expected privacy of their identity.

One particular women's non-profit group in Alabama that was initially hesitant to participate, yet would ultimately agree to participate commented, "...we avoid politics or any appearance of criticizing DOC so that we can continue to be given access to the women" (personal communication, August 3, 2022). Her words highlight the challenging landscape of advocacy and working with correctional institutions that are historically closed, or private to talking about prison policies and practices.

### ***Political Party Affiliation or Gender Influence***

Regarding political party affiliation, this study revealed that the development of prison menstrual laws in both states began with a female democratic and republican state representatives in both states. Alabama State Representative Rolanda Hollis and Arkansas State Representative Rebecca Petty introduced and sponsored prison menstrual legislation in their respective states. Although it was anticipated that there would be a potential partisan divide in perceptions and actions related to menstrual equity legislation, this study found support for this issue transcended party lines in both Alabama and Arkansas. There was no opposition to the bills found through research into legislative action on Alabama House Bill 308 and Arkansas House Bill 1523 (LegiScan, 2019). This bipartisan support suggests a recognition of a response to menstruation in prison, independent of political affiliation.

Alabama State Representative Rolanda Hollis has a history of introducing legislation surrounding healthcare and human rights, including menstrual equity throughout her political tenure including sponsorship of Alabama HB50, a bill supporting school in the purchase of menstrual products for students (Randall, 2022); HB 238, a bill mandating male vasectomies at age 50 or after the birth of their third child (Lang, 2021), HB 238 a satirical bill in response to pro-life abortion state laws restricting the reproductive rights of women; HB3, a bill prohibiting

smoking or vaping in motor vehicles when children are present (Bill Track 50, 2023); and HB27, a bill making it unlawful to deny individuals full and equal employment based on certain protected class (Ballotpedia, 2023b).

Like Representative Hollis in Alabama, Arkansas State Representative Rebecca Petty also has a lengthy history of introducing legislation rooted in healthcare as well as human rights, especially those related to the rights of children. Her legislation sponsorship includes Arkansas HB 1240 (“Sarah’s Act”), a bill requiring the release and access to child maltreatment records; HB 1237, a bill amending the state law regarding child custody; HB 1674, a bill amending the state law concerning arresting authority during child abductions; and HB 1881 a bill concerning the investigation into a missing or unidentified person (Ballotpedia, 2023a).

Both Representative Hollis of Alabama and Representative Petty of Arkansas have legislative records that align with the research findings indicating that women legislators, regardless of their party affiliation, show a greater inclination to sponsor and support bills related to women's health, marriage, sexuality, female reproduction, and related topics (Bratton & Haynie, 1999; Broughton & Palmieri, 1999; Sapiro, 1981; Swers, 2005; Tamerius, 1995; Thomas, 1991; Thomas, 1992). To add, when specifically reaching out to legislators in Alabama regarding prison menstrual laws, one congresswoman only provided the name of female state legislators to contact for further information on prison menstrual laws (personal communication, July 13, 2022).

No political party affiliation was associated with the corrections system in either state. There was no research found to determine if either correctional system was tied to any sole political party. The same could be true for the non-profits and advocacy groups in this research. No group identified affiliation with any political party. Although one Arkansas organization

consulted for this study identified as a “conservative” organization (Family Council, 2022, p. 1) As such, it can be concluded that partisanship may not be as strong as a factor in prison menstrual law passage in Alabama and Arkansas, versus the gender of the legislator, specifically women.

### ***Prison Policies and Practices***

When researching and inquiring about current and past state prison policies and practices concerning prison menstrual laws and its potential influence on passage of the prison menstrual laws in each respective state, this study revealed that the state of Alabama’s Department of Corrections was comfortable with the policy it had in place prior to the passage of the state law. According to Bob Horton, an administrator with the Alabama Department of Corrections, “Hygiene items (sanitary napkins, tampons, toilet paper) are available in unlimited supply in all bathroom areas within female facilities”(Associated Press, 2019, p. 5). Despite that, Alabama State Representative Hollis who sponsored the bill, indicated problems prisoners had in accessing menstrual products:

What I'm hearing is that they [prisoners] were not receiving their products in a timely manner which was causing women to start making their own products. Due to that, they started getting infected...to be in a position to not get what you need, is not right. It's not fair. It's not sanitary. This is something that should be required. (Associated Press, 2019, p. 2)

When questioned over the state prison menstrual law passed which, mandates the Alabama Department of Corrections to provide menstrual products potentially as a result of complaints heard by Representative Hollis, grievances filed by prisoners and/or a federal consent decree concerning issues surrounding personal hygiene products and women prisoners, Mr.

Horton responded with, "...the department has complied with the agreement and undergoes compliance inspections... the deputy commissioner for women services, oversees the feminine hygiene item distribution program and is unaware of any inmate grievances" (Associated Press, 2019, p. 8). Seeking to find more insight from a women's organization in Alabama that has access to the women's prison facility and the institutional policy, the leader of this organization responded, "I am pretty sure that the recent oversight by the Department of Justice changed that policy," (personal communication, August 3, 2022) referring to the consent decree imposed by the Department of Justice.

Research uncovered that the Alabama Department of Corrections had agreed in 2015 to make feminine hygiene products, including menstrual products, "widely available and free" (Associated Press, 2019, p. 6) because of a settlement with the Department of Justice (Department of Justice, 2015). During a 2014 investigation by the Department of Justice, they uncovered prisoners had troubles with gaining access to menstrual products as well as prisoners being coerced to perform sexual favors to gain access to menstrual products (Department of Justice, 2015). In that report, the Department of Justice (2015) specified, "prisoners [were] compelled to submit to unlawful sexual advances to either obtain necessities, such as feminine hygiene products and laundry services, or to avoid punishment" (Alves & Spears, 2022, p. 6). This indicates that the agreed upon settlement by the State of Alabama as enforced by the Department of Justice in 2015 as well as recent grievances and complaints by prisoners may have been factors into the development of the Alabama prison menstrual law.

It was difficult to find policies and practices surrounding menstrual equity in Arkansas state prisons. A review of the 2013 Arkansas Inmate Handbook provided the following regarding menstrual products: "The ADC provides uniforms, undergarments, a pair of shoes,

soap, toothbrush, toothpaste, and safety razor with blade, bath towels and feminine hygiene items” (p. 12). This was the only policy found in the handbook that mentioned feminine hygiene. A comparison of the 2013 handbook was emended to comprise the most recent 2022 Inmate Handbook, and it had not changed or been updated as a result of the passage of the enacted prison menstrual law (Arkansas Division of Correction, 2022). A search for documents, notes, and interviews with Arkansas prison administrators regarding prisoners and feminine hygiene policies yielded no findings. However, similar to Alabama, Arkansas' McPherson's prison for women had been named in a Department of Justice settlement agreement with the Arkansas Department of Corrections, State of Arkansas, and Correctional Medical Services in 2004. This 2004 settlement agreement does not mention any agreed-upon remedy to feminine hygiene or menstruation matters, only medical care inclusive of annual pap smears, mental health care, and life safety and sanitation (Department of Justice, 2004).

Overall, it does not appear that neither lawmakers, non-profit, nor advocacy groups in Alabama or Arkansas have in the past or at present met with prison administrators to talk about prison policies and practices surrounding menstruation. As mentioned, the sponsoring lawmaker of the Alabama law was maybe influenced by inmates and the federal settlement between the state and Department of Justice, yet overall, this is inconclusive. The same can be said about Arkansas and any potential DOJ consent decree influence. Both correctional systems in each state apparently had policies concerning menstrual products; Arkansas' policy was observed in the inmate handbook for year 2013 and year 2022 (Arkansas Department of Corrections, 2013; Arkansas Division of Correction, 2022). A review of the Alabama 2013 Female Inmate Handbook yielded no findings of policies related to menstrual products, yet as previously mentioned, an administrator confirmed having such policies (Associated Press, 2019).

No non-profit organization or advocacy group that participated in this study had conducted any work with prison administrators or had been any contact with any prison administrators to support or influence any of the work they do to support the menstrual needs of prisoners. When asked about prison policies and practices regarding menstrual equity in state prisons, a non-profit organization in Alabama responded, “we have not been involved with addressing it, but we have provided the prison with large donations of menstrual products... we are not an activist organization, we only do direct service” (personal communication, August 3, 2022). The same question was posed to an advocacy group in Arkansas that responded:

...that is something that we want to get involved in the next year or so. Legislative session 2019...[a law] passed to ensure that, or theoretically ensure administrators in prisons provide access to products. And that was also in part because of the federal mandate for federal prisons, and so we know, though, that they are not being distributed at the rate that the women need them so they might not be getting enough, there might be, you know bribery or something involved or mistreatment involved to get those products. (personal communication, June 17, 2022)

This research concluded that there may be some menstrual equity prison policies already in place in Alabama and Arkansas, yet there appears to be little to no inquiry by lawmakers, non-profits, or advocacy groups into these institutional policies. Instead, lawmakers, non-profit organizations, and advocacy groups have relied on other sources such as prisoner complaints or information made known to the public as a result of federal inquiries into the conditions of state prisons. It does appear that prison policies or failed implementation of those policies have influenced the passage of state menstrual laws in Alabama and Arkansas.

### *Policy Models and Consultation*

A discernable period of consultation as well as with whom regarding prison menstrual laws in Alabama and Arkansas were discussed is unknown. As reported, no evidence was found showing corrections officials in either state were either supportive or not supportive of the passed prison menstrual laws. Instead, the research conducted suggests prison officials were content with prevailing menstrual equity policies in place. As a result, the research concludes that development and subsequent passage of prison menstrual laws were not a result of their purview in either state. Significantly, there was no evidence found to suggest any consultations with non-profit organizations, advocacy groups, or inter-state talks surrounding prison menstrual laws conducted by legislators in either Alabama or Arkansas during the formulation and development of their respective prison menstrual laws were held.

One Alabama senator who responded to our interview request, commented, “Representative Rolonda Hollis is the original sponsor of the bill which originated in the house. I simply handled it for her in the Senate. I...defer to her” (personal communication, August 3, 2022). The senator's statement potentially reveals uncertainty concerning those, beyond the sponsoring representative, if anyone else, who were engaged in the bill's development.

The non-profit and advocacy groups consulted for this research had no insight into any consultation that had been conducted during the development of the prison menstrual laws in each state. None had been consulted or contacted about the laws in either state. One advocacy group, referring to the Arkansas law, commented, "...we did not take a position...one way or the other..." (Family Council, 2019, p. 1), indicative of the absence of solicitation for input. Similarly, another Arkansas group communicated, "...we didn't really get involved in policy until [the] 2021 legislative session. So, we didn't work on that, I just knew that it was happening..."



(personal communication, June 17, 2022), thereby suggesting a potential lack of engagement with others by lawmakers during the development of the prison menstrual law in Arkansas.

Overall, there appears to have been a lack of consultation as a salient feature in the development of prison menstrual laws in Alabama and Arkansas. Corrections officials' perceptions of existing institutional prison menstrual policies, combined with statements and comments made by interviewed legislators and advocacy groups for this study, and the inability to find any documents or articles to suggest any consulting conducted indicate the potential absence of consultation during the development phase of the resulting law in each state.

### **Prison Menstrual Law Adoption**

#### *State Law and Policy Models*

A provision to provide feminine hygiene products to female inmates was proposed in Alabama House Bill 308 (HB308), which passed both legislative chambers and was signed into law by Governor Kay Ivey on August 11, 2019. HB 382 would amend Ala. Code § 14-3-44 (1975). As amended, the new law, including the menstrual law provision, Ala. Code § 14-3-44 (2019) is as follows:

- (a) All prisoners must be clothed during the term of their imprisonment in a comfortable manner in coarse and cheap clothing made in a uniform and peculiar style so as to distinguish them from other persons.
- (b) The Department of Corrections shall provide feminine hygiene products to female prisoners at the expense of the department, as soon as is practicable, upon request by the female prisoner.

Like Alabama's prison law adoption, Arkansas passed House Bill 1523 (HB1523), which like Alabama, received bipartisan support and was signed into law by Governor Asa Hutchinson on March 29, 2019. Ark. Code § 12-32-103 (2019) reads:

(a) A correctional or detention facility shall establish a policy for providing:

- (1) Necessary prenatal vitamins and nutrition for pregnant inmates and detainees;
- (2) A necessary number of hygiene products for female inmates and detainees;
- (3) A necessary number of undergarments for female inmates and detainees;
- (4) A lower bunk for a pregnant inmate or detainee; and
- (5) Unless otherwise provided for by the correctional or detention facility, access for a pregnant inmate or detainee to nonprofit educational programming, such as prenatal care, pregnancy-specific hygiene, and parenting classes.

(b) A policy under this section may be approved annually by the Charitable, Penal, and Correctional Institutions Subcommittee of the Legislative Council.

Upon analyzing the state prison menstrual laws of Alabama and Arkansas, Alabama's law makes it clear that the Department of Corrections is to implement this law by providing free feminine hygiene products to inmates. Some components of the provision still allow for discretionary interpretation by the Department of Corrections. Namely, the Department of Corrections can determine what "feminine hygiene products" can be distributed. Feminine hygiene products come in multiple forms (pads, cups, tampons, panties). Additionally, while the law says "... upon request by the female prisoner," it also says as practicable by the Department of Corrections, allowing officials to determine at their discretion when such products will be provided. The law also does not clearly define how many feminine hygiene products will be provided by the Department of Corrections for free.

While Arkansas' law was signed by its state governor prior to Alabama's, its provision for hygiene products for female inmates is even vague. Arkansas' prison menstrual law allows for complete discretion by the Department of Corrections in determining what a "necessary number" of products to provide inmates is and what "hygiene products" shall be provided. One Arkansas non-profit organization was struck by the ease of the passage of the law in which the language was similar to a legislative bill introduced in 2009 that did not pass. Referring to the passed law, Family Council (2019) commented:

This bill is nearly identical to one Family Council unsuccessfully supported—alongside the ACLU, oddly enough—in 2009. H.B. 1523 passed into law, and not a single legislator voted against it.

While there's no evidence of a policy model used in drafting the prison menstrual provisions, the language used in the provisions of both states is similar. An advocacy group leader in Arkansas commented on the similarity in the language used in Arkansas, Alabama, and the state of Arizona, sharing:

...Arizona's free feminine hygiene products are available to female inmates, upon request. Basically, it's the same...for Arkansas, it says all correctional or detention facilities must have a policy or provision for...hygiene products for female inmates and detainees...Alabama had the same one in 2019, so I think that there were several [laws passed] around the same time that were, you know, fairly similar as far as what they were mandating. (personal communication, June 17, 2022)

Upon conducting a comprehensive review of menstrual laws in various states, it becomes evident that a prevailing trend of notably similar, vague language exists. This observation raises questions regarding potential instances of legislative emulation. Table 3 presents the verbiage of prison menstrual laws adopted by other states. While the results of this study has revealed the potential of no partisan influence, and some gender influence on prison menstrual law passage in Alabama and Arkansas, both laws as written are similarly vague, therefore indicating legislative emulation as a potential factor of influence of passage. This conclusion is based on each state's vague laws as well as their similarity to other state prison menstrual laws.

**Table 3***States with a Prison Menstrual Law including Bill Number and Key Provisions*

State	Bill Number	Key Provisions
Alabama	Al. St. § 14-3-44 (2019); Al. St. § 14-6-19 (2019)	Requires county sheriffs and the Department of Corrections to provide pads and tampons upon request.
Arizona	Ariz. Rev. Stat. § 31-201.01 (2021)	On request of a female inmate, the director shall provide female inmates with a sufficient supply of feminine hygiene products. Notwithstanding any other law, the director may not charge female inmates for feminine hygiene products. "Feminine hygiene products" includes tampons, sanitary napkins, menstrual sponges, menstrual cups and similar items that are used for a menstrual cycle.
Arkansas	Ark. Code Ann. § 12-32-103 (2019)	A correctional or detention facility shall establish a policy for providing a necessary number of hygiene products for female inmates and detainees.
California	Cal. Penal Code § 3409 (2018)	All incarcerated people who menstruate must be provided menstrual products upon request.
Colorado	Colo. Stat. § 26-1-136.5 (2019)	Department of Human Services shall provide whichever menstrual products (tampons/pads/ pantliners) are requested by a person in jail custody at no cost and without restriction.
Connecticut	Conn. Stat. § 18-69e (2018)	Inmates must be provided with tampons/pads upon request as soon as practicable, for free and in a quantity that is appropriate to the health care needs of the inmate.
Delaware	Del. Stat. Tit. 29 § 9003 (2018)	Department of Correction must provide tampons and pads to prisoners at no cost.
Florida	Fla. Stat. § 944.242 (2019)	All correctional facilities must make menstrual products available for free and in an appropriate quantity.
Kentucky	Ky. Stat. § 441.055 (2018)	Department of Corrections must promulgate "minimum standards" that include an adequate number of menstrual products for prisoners who need them.
Louisiana	La. Rev. Stat. 15 § 892.1 (2018)	Requires menstrual products to be provided to all incarcerated Women at no cost, in an appropriate quantity, and the products must be available in the housing units and the medical area of the facility.
Maine	Me. Rev. Stat. Ann. 34-A § 3031-9 (2021)	Comprehensive access to menstrual products, including, but not limited to, sanitary pads and tampons, provided and available at all times and without inconvenience or charge to a person who menstruates who resides in a correctional or detention facility
Maryland	Md. Corr. Servs. § 9-616 (2018); Md. Corr. Servs. § 4-214 (2018)	Each correctional facility must have a written policy in place providing free tampons and pads to inmates upon admission, a routine basis, and request.
Minnesota	Minn. Stat. §. 241.021 (2021)	Female inmates in state correctional facilities must be provided with feminine hygiene products per a process developed by the commissioner of corrections.
Mississippi	Miss. Code Ann. § 47-5-1505 (2021); Miss. Code Ann. § 47-5-1515 (2021)	"Menstrual hygiene products" means products that women use during their menstrual cycle. This includes tampons, sanitary napkins and menstrual cups. The Department of Corrections shall ensure that sufficient personal hygiene products are available at each facility for all incarcerated women.

Missouri	Mo. Rev. Stat. §217.199 (2021)	This act provides that Director of Corrections shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center. These products must conform to industry standards.
State	Bill Number	Key Provisions
New Jersey	N.J. Rev. Stat. § 30: 1B-6.8 (2018)	Require standard feminine hygiene products, including but not limited to, tampons and sanitary pads, be provided at the request of and free of charge to female inmates, and petroleum jelly, aspirin, ibuprofen, and any other item deemed appropriate by the commissioner, to be made available to inmates from the commissary or medical department
New York	NY Correct. § 625 (2019)	Pads, tampons, and other menstrual products must be provided at no cost to individuals in state and local correctional facilities where Women are detained or confined.
North Carolina	N.C. Gen. Stat. § 148-25.4 (2021)	The Department of Public Safety and the administrator of the correctional facility shall ensure that sufficient menstrual products are available at the correctional facility for all female incarcerated persons who have an active menstrual cycle. Female incarcerated persons who menstruate shall be provided menstrual products as needed at no cost to the female incarcerated person.
Oregon	Or. Rev. Stat. § 169.635 (2019)	Regional correctional facilities shall make available tampons, sanitary pads, postpartum pads and panty liners at no cost to all prisoners for use in connection with vaginal discharge. Facilities shall maintain a sufficient supply, which shall be stored, dispensed and disposed of in a sanitary manner.
South Carolina	S.C. Code Ann. § 24-13-35 (2020)	Correctional facilities, local detention facilities, and prison or work camps must ensure that sufficient menstrual hygiene products are available at each facility for all women under their care who have an active menstrual cycle. Indigent inmates must be provided the hygiene products at no cost.
Tennessee	Tenn. Code Ann. § 41-21-245 (2019)	On request of a female inmate, the department shall provide free of charge to the inmate up to 10 feminine hygiene products per day that comply with applicable federal standards for comfort, effectiveness, and safety.
Texas	Tenn. Code Ann. § 49-6-452 (2019)	Requires Department of Criminal Justice to provide up to 10 menstrual products per day free of charge upon request.
Virginia	2018 Va. Laws Ch. 815 (H.B. 83)	Requires that the Board of Corrections adopt and implement a standard to ensure the provision of menstrual products to detainees, and the Department of Corrections to do so with regard to prisoners.

The vagueness characterizing the prison menstrual laws in both Alabama and Arkansas introduces an avenue for analysis. The apparent lack of detailed provisions within these laws could have conceivably contributed to their ease of passage. Notably, each state’s law fails to offer any substantive alterations to prevailing state laws or correctional institution policies within each respective state concerning menstrual health within state prisons, a facet previously outlined in the findings of this research. This is supported by the multiple streams framework outlined by political scientist, John Kingdon (2003), who argued that three streams must converge in order for a bill to have a

higher likelihood of passage: 1) problem stream, or an issue that requires attention and a solution (prison menstrual equity); 2) policy stream, or policy solutions (prison menstrual laws in others states and prison policies concerning menstrual equity); and 3) politics stream, or make the political agenda of lawmakers (menstrual equity in prison was on the political agenda of lawmakers in both Alabama and Arkansas).

### ***Missed information***

In concluding this case study to determine the potential factors that influenced the adoption of prison menstrual laws in Alabama and Arkansas, an attempt was made to determine if any other factors or variables might have been missed in previous research within this series. A key aspect of this approach was to engage every interviewee in insights into any potential oversights that warranted consideration. While the predominant response was no, a thought-provoking comment by a leader of an advocacy group in Arkansas surfaced, warranting further meaning and consideration. The leader of this advocacy group shared:

You know it's just I think part of a bigger problem...[is] making sure that we talk about the health aspect, or promoting that part of menstrual equity, you know it's not just about having access to pads and tampons but like what does that access mean for people, and you know living a life of dignity... And then too, I think it's difficult in red states who just want to keep building prisons, but don't actually care what happens inside of them, so I think like making sure to look at that lens and what does getting these [laws] passed for Republicans mean and how we can make them aware that this is an issue...as well as just overall reproductive health, like making sure that women who are pregnant in prisons have access to care and aren't being detained while they're giving birth...You know, part

of this is it's just an overall women in prisons issue....(personal communication, June 17, 2022).

The preceding comments by the leader of an advocacy group in Arkansas emphasized the broader context of the menstrual equity issue, stressing how imperative it is to address not only the surface-level provision of menstrual products but also the underlying aspects that reflect upon the broadness of menstrual equity, including menstrual health. She further explained the politics of menstrual equity in prisons, particularly in "red states," where the inclination towards expanding correctional facilities can eclipse concerns for the well-being of inmates. She highlighted that the enactment of laws, such as prison menstrual laws, could inadvertently provide the reason for the construction of additional prisons, an aspect that warrants consideration. For instance, in 2022, the State of Alabama announced plans to build two additional prisons at a cost of just over \$1 billion dollars (Crowder & Burkhalter, 2023; Equal Justice Initiative, 2023). While her statements and inquiries were specific to Republican lawmakers, her scope resonates more broadly, encompassing lawmakers irrespective of party affiliations. This notion is supported by the findings of this research on the similarity in the vagueness of adopted laws across various states and political lines.

### **Conclusion**

This case study examined the factors that contributed to the passage of prison menstrual laws in two southern states, Alabama and Arkansas. Notably, one significant finding was no one specific political party influencing the development or passage of prison menstrual laws, indicating a potential non-partisan nature of the issue. It is also notable that interactions between lawmakers, advocacy groups, non-profits and prison administrators were limited, if at all, suggesting a gap in direct consultation on prison policies related to menstruation and menstrual equity in prisons. Instead, the passage of prison menstrual laws seems to have been catalyzed by

factors such as prisoner complaints and external pressures, particularly federal inquiries into prison conditions. This supports the role of public awareness and external scrutiny in prompting legislative action.

Interestingly, the lack of evidence regarding consultations or interactions between prison officials, advocacy groups, non-profits and legislators during the development of state prison menstrual laws implies that the laws might have been enacted without consideration into the specific needs of menstruating women. This potential lack of consultations and interactions regarding the stakeholders of this study can potentially point to the limited responses and participation in this study. Specifically, it sheds light on just how talks of menstruation are still taboo, limited, and hampered. Both Alabama and Arkansas corrections officials declined to be interviewed for this study. Furthermore, women's advocacy group leaders were cautious in being interviewed, with one participant sharing that she did not want to say anything that would inhibit or hinder her organization's relationship with the Alabama Department of Corrections. Similarly, an advocacy group in Arkansas would not take a position on the initial state bill that included the prison menstrual provision, presumably not to hinder relationships with legislators.

The study also highlighted the potential influence of legislative emulation, where the similarity of vague laws to those of other states could have played a role in shaping the content of prison menstrual laws in Alabama and Arkansas.

The gender aspect emerges as a potential influencing factor, as a degree of gender influence based on the sponsoring legislators of the law was both discovered in both Alabama and Arkansas. While the role of partisan influence appears limited, the broader context of menstrual equity was emphasized by advocacy leaders, indicating a deeper understanding of the issue beyond surface-level provision of menstrual products. This broader view encompasses



aspects of menstrual health and highlights the complex nature of achieving menstrual equity within correctional settings.

One of the most significant noticeable gaps in the literature and research, as it relates to prison menstrual laws, is a content analyses of the existing prison menstrual laws. This study showed that the language regarding prison menstrual between the states was vague and without much detail, leaving much to the interpretation of the Department of Corrections. The results of this study, coupled with content analyses studies on prison menstrual laws, can draw more attention to the need for more comprehensive state policies, but also can garner more studies on the interpretation and implementation of these laws within the Department of Corrections.

As mentioned, corrections officials were less opened to sharing their views on prison menstrual laws. Their restraint furthers the need for research on corrections officials' and staff perspectives regarding menstrual health and hygiene, including their understanding of the issue, challenges they face in providing hygiene products, and implementation and thoughts on the state mandated law.

Lastly, an additional qualitative study to consider as a result of this study includes a study on the impact of prison menstrual laws on incarcerated women. While the focus of this study was the factors that contribute to the development and adoption of prison menstrual laws from the perspective of legislators, advocacy groups, and corrections officials, the voices of incarcerated women would have bolstered the determination of the factors that made the law possible and the impact of prison menstrual laws, including physical or emotional changes as a result of the institution of a law opposed to a corrections policy. Such a study, which includes inmates can contribute to the larger conversation on social justice, addressing issues of gender equity and the

treatment of incarcerated individuals. This study can lead to more equitable policies and practices across all sectors.

### **Limitations**

There are a few potential limitations to this study. First, there was a limited sample size in this comparative case study on two states. While it is normal for case studies to involve a relatively small sample size for detailed analyses, a small sample size may limit the generalizability of findings. Second, this study relied heavily on the perspectives of the interviewees and the researcher's perspective, but no female inmates, on the documents and articles reviewed. As such, this may limit the validity and reliability of the research findings. Finally, as previously pointed out, there remains silence and an unwillingness among most people to speak regarding menstrual health, which made it difficult to get a whole gamut of interviewees for this study, which in turn, may have skewed the findings.

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## Appendix 1: E-Mail Invitation to Interview

### E-MAIL INVITATION TO INTERVIEW for a Research Study entitled

Policy Diffusion in Gender Politics: A Three Essay Analysis of State Prison Menstrual Legislation

Dear \_\_\_\_\_,

I, Jalonta Jackson, am a doctoral student in the Department of Political Science at Auburn University. As the principal investigator, under the supervision of Dr. John Morris, I would like to invite you to participate in my research study. This research study will explore and compare the passage or not of state prison laws about women in prison who experience periods (menstruation or passing of the menses) in the states of Alabama and Arkansas. You may participate if you are a state of Alabama or Arkansas legislator, non-profit leader, advocacy group leader, or corrections administrator.

Participants will be asked to answer questions about the state of Alabama or state of Arkansas decision to pass or not laws about women in state prison who experience periods (menstruation or passing of the menses). Interviews are projected to last approximately 60 minutes. Interviews can be conducted via telephone or via Zoom.

There is no compensation provided to you for your participation in the study. However, you will be a part of research that may contribute to the overall understanding of factors that may influence a state to adopt or not adopt laws about women who experience periods (menstruation or passing of the menses) while in prison. The risks involved in the research study are extremely low or insignificant. Although no study is without risks, proper measures will be taken to ensure confidentiality.

There are no direct benefits and no costs for participating in this research.

Attached is an informed consent form that explains the details of my study. Please review it and let me know if you have any questions.

If you would like to participate in this study, please sign and return the attached informed consent as a reply to this email so we can schedule a convenient time for you to participate via telephone, or virtually via the Zoom video conferencing platform.

If you have any questions, please contact me at [jzj0054@auburn.edu](mailto:jzj0054@auburn.edu) or my advisor, Dr. John Morris, at [jcm0143@auburn.edu](mailto:jcm0143@auburn.edu).

Thank you for your consideration,

Jalonta Jackson  
PhD Candidate | Auburn University Department of Political Science

The Auburn University Institutional  
Review Board has approved this  
Document for use from  
11/30/2021 to -----  
Protocol #---- 21-560 EX 2111



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**(NOTE: DO NOT SIGN THIS DOCUMENT UNLESS AN IRB APPROVAL STAMP WITH CURRENT DATES HAS BEEN APPLIED TO THIS DOCUMENT.)**

**INFORMATION LETTER  
for a Research Study entitled**

Policy Diffusion in Gender Politics: A Three Essay Analysis of State Prison Menstrual Legislation

**You are invited to participate in a research study that** will explore and compare the passage or not of state prison laws about women in prison who experience periods (menstruation or passing of the menses) in the states of Alabama and Arkansas as told by state legislators, non-profit leaders, advocacy group leaders, or corrections administrators. The study is being conducted by Jalonta Y. Jackson, Principal Investigator, under the supervision of John C. Morris, PhD, Faculty Principal Investigator, in the Auburn University Department of Political Science. You were selected as a possible participant because you are a state legislator, non-profit leader, advocacy group leader, or corrections administrator and are age 19 or older.

**What will be involved if you participate?** If you decide to participate in this research study, you will be asked to participate in an interview and answer a series of questions related to policymaking, policy influence, and prisoner periods (menstruation or passing of the menses) policies and laws. Your total time commitment will be approximately 60 minutes.

**Are there any risks or discomforts?** The risks associated with participating in this study are minimal or insignificant. There is a risk of confidentiality if you disclose to others your participation in this study. There is a risk of discomfort due to the policy subject matter, menstruating prisoners. To minimize these risks, we will make an effort to take a minimal amount of time from your schedule by asking a small number of questions. Additionally, safeguards to your identity are being made by not including any names on recordings and if you choose a Zoom interview, you will have the choice of no camera or video use.

**Are there any benefits to yourself or others?** There are no direct benefits to you or others for participating in this study. The benefit to the researchers is to help with future state policy development.

**Will you receive compensation for participating?** If you decide to participate, you will not receive any compensation for your participation.

**Are there any costs?** There are no costs to participate in this study.

**If you change your mind about participating,** you can withdraw at any time during the study. Your participation is completely voluntary. If you choose to withdraw, your data can be withdrawn as long as it is identifiable. Your decision about whether or not to participate or to stop participating will not jeopardize your future relations with Auburn University, the Department of Political Science or the investigator.

**Your privacy will be protected.** Any information obtained in connection with this study will remain anonymous (or confidential). Information obtained through your participation may be used to fulfill an educational requirement, published in a professional journal, and presented at a professional meeting.

**If you have questions about this study,** please ask them now or contact Jalonta Jackson, Principal Investigator at 847-309-3163 or Dr. John C. Morris at 334-844-5357. A copy of this document will be given to you to keep.

**If you have questions about your rights as a research participant,** you may contact the Auburn University Office of Research Compliance or the Institutional Review Board by phone (334)-844-5966 or e-mail at [IRAdmin@auburn.edu](mailto:IRAdmin@auburn.edu) or [IRBChair@auburn.edu](mailto:IRBChair@auburn.edu).

**HAVING READ THE INFORMATION PROVIDED, YOU MUST DECIDE WHETHER OR NOT YOU WISH TO PARTICIPATE IN THIS RESEARCH STUDY.**

Thank you for your consideration.

Jalonta Jackson  
Principal Investigator | Auburn University Department of Political Science

John C. Morris, PhD  
Faculty Principal Investigator | Auburn University Department of Political Science

**The Auburn University Institutional  
Review Board has approved this  
Document for use from  
11/30/2021 to \_\_\_\_\_  
Protocol #- 21-560 EX 2111**

Version Date (date document created): February 22,  
2022

## APPENDIX 3: Interview Questions

### Semi-Structured Interview Questions for Policy Actors

#### Questions for All Interviewees:

1. What is your job title or position?
2. What are your job duties or responsibilities?
3. How long have you been in this role/ position?

#### A. Interviewees: Non-Profit or Advocacy Groups

1. What is the mission of this organization?
2. Who do you usually meet with to talk about prison policies and practices?
3. Has your organization been involved with addressing menstrual equity in prisons? If so, how?
4. What led to your organization's involvement with menstrual equity in prisons?
5. What factors, do you think, led your state to adopt, or not adopt, the most recent legislation surrounding menstrual policies in prison?
6. Did you introduce a policy model for prison menstrual legislation to any legislator? If so, discuss the origin of the policy and specify the legislator(s) you spoke with.
7. Did you consult with anyone else, in the state or outside the state, to support or not support prison menstrual legislation in your state? If so, how? If so, who?
8. Did you do any lobbying for state action or response to menstrual policies in prisons? If so, what did you do?
9. Has your organization been contacted by groups in other states regarding menstrual equity or menstrual legislation in prisons? If yes, which states?
10. Is there something you think I've missed that's important?
11. Is there anyone else you would recommend I talk to about this issue?

#### B. Interviewees: Government- Legislators and Policy Makers

1. Do you identify with a political party? If so, which?
2. Are the menstrual needs of state prisoners a priority for the legislature? How?
3. Do you know the outcome of the last bill introduced regarding menstruating state prisoners? If yes, what was the outcome and the reason for the outcome?
4. If no policy, why not?
5. If there is a policy, what influenced the development of this policy?
6. If there is a policy, did other states influence the development of this policy? If so, how?
7. Does gender influence policymaking? Policy passage? If so, how? If no, why not?
8. What factors led your state to adopt, or not adopt, the most recent legislation surrounding menstrual policies in prison?
9. Who were the other active participants (organizations and individuals) involved in the adoption or not of prison menstrual legislation in your state?
10. Was there a policy model for the menstrual legislation introduced or passed in your state? If so, which? If so, was it modeled after another state?
11. Have you been contacted by other legislators in other states interested in adopting menstrual legislation in prisons? If yes, which states?
12. Is there something you think I've missed that's important?
13. Is there anyone else you would recommend I talk to about this issue?

**C. Interviewees: Government- Corrections Administrators**

1. How do state prisons respond to the menstrual needs of women? Institutional policy or state law?
2. If guided by state law, what is the law regarding state prisons and menstruating women? 3
3. Do you think gender influence prison policies? If so, how? If so, why?
4. Did your institution have any input into your state's adoption or not, of the most recent legislation surrounding menstrual policies in prison? If so, how? If so, what input did you provide?
5. Does your institution support or not support prison menstrual legislation? If yes, why? If no, why not?
6. Is there a policy model for prison menstrual legislation or policies that your institution support? If so, which policy model?
7. Has your institution been contacted by other correctional institutions in other states regarding menstrual legislation or policies in prisons? If yes, which states?
8. Is there something you think I've missed that's important?
9. Is there anyone else you would recommend I talk to about this issue?