

Department of Legislative Services
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FISCAL AND POLICY NOTE
First Reader

House Bill 133
Ways and Means

(Delegate Reznik, *et al.*)

Public Schools - Provision of Feminine Hygiene Products

This bill requires a local board of education to ensure that each public school serving students from grades 6 through 12 provides, at no charge to students, feminine hygiene products in the restrooms at the school. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: None.

Local Effect: Local school systems will incur one-time costs to install dispensers and ongoing costs to provide feminine hygiene products to students. *Under one set of assumptions*, one-time costs will total at least \$195,000 in FY 2020, with ongoing costs totaling approximately \$1.1 million beginning in FY 2020. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law/Background: Research indicates that 86% of women have gotten their period unexpectedly and did not have the supplies they needed. Free feminine hygiene products may be available in school health centers; however, school health centers are not always open, obtaining permission to visit the health centers can be difficult and potentially embarrassing, and trips to health centers take students away from class time. In addition, students without access to feminine hygiene products are often forced to use menstrual items for long stretches of time, which puts them at higher risk for toxic shock syndrome – a sudden potentially fatal condition.

Federal law requires places of employment to stock toilet paper and hand soap and requires a certain number of restrooms per number of employees. While this requirement does not explicitly apply to public school students, these supplies are generally available free of charge in public school restrooms. Neither federal nor State law require feminine hygiene products be provided in employee or public restrooms or in schools.

Legislative Initiatives

As of January 2019, three states (California, Illinois, and New York) require feminine hygiene products be provided to students free of charge in the restrooms at the school. Four states (South Carolina, Tennessee, Washington, and Wisconsin) considered similar legislation in 2017. Three states (New Hampshire, New Jersey, and West Virginia) are considering similar legislation in 2019. Kentucky is considering legislation that would require postsecondary institutions to provide free feminine hygiene products in restrooms.

At the federal level, the House of Representatives considered a bill during the 115th Congress (2017-2019) that would have amended the Elementary and Secondary Education Act of 1965 to allow states to use Student Support and Academic Enrichment grants to supply feminine hygiene products to students; however, it did not move from committee.

Chapter 642 of 2017 requires the Department of Housing and Community Development (DHCD) to make available a supply of feminine hygiene products sufficient to meet the needs of female residents in homeless shelters and qualifying female students in schools who are determined to be homeless children or youth. The fiscal and policy note for Chapter 642 indicated that general fund expenditures would increase by \$268,200 annually for DHCD to supply the required feminine hygiene products. However, DHCD advises that funds have not been made available for this program. Thus, based on advice from the Office of the Attorney General, DHCD has made feminine hygiene products an allowable expense for shelters funded through the State.

Local Expenditures: Local school systems will incur one-time costs to install dispensers and ongoing costs to provide feminine hygiene products to students. The actual increase in local school expenditures will depend on the implementation and actual usage of feminine hygiene products at each public school. These costs may be absorbable by some local school systems, particularly those that currently provide feminine hygiene products to students. *Under one set of assumptions*, local school expenditures increase by at least \$195,000 in fiscal 2020 to purchase one dispenser at each public school. Ongoing costs to provide feminine hygiene products to students could total approximately \$1.1 million annually.

One-time Costs

At a minimum, local school expenditures increase by at least \$195,000 for local school systems to purchase one \$325 dispenser at each of the 599 public schools that serve middle and high school students. This estimate is based on the actual cost to install dispensers in public schools in New York and is within the price range provided by other local school systems. For example, the Baltimore City Public School System (BCPSS) indicates that dispensers range in cost from \$243 to \$452.

Since there are multiple female bathrooms in most schools, one-time costs for local school systems may be greater than \$195,000. The actual increase in local school expenditures will depend on how the bill's requirement is implemented in each public school.

Ongoing Costs

Local school system product costs will depend on actual usage, which may vary by local school system and by public school. Higher poverty schools will likely have more students taking advantage of the program than lower poverty schools, as lower income students often face the greatest challenge in obtaining menstrual care supplies. Approximately 40% of middle and high school students receive free or reduced-price meals, which is one indicator of the financial challenges facing students and their families. To the extent that feminine hygiene products are provided through other programs, local school expenditures may be less. It is unlikely that all students will choose to use freely available products because those with access will choose to use personally obtained products.

BCPSS advises that the Baltimore City Health Department purchases bulk feminine hygiene products at a cost of \$0.38 each. Using one set of assumptions, providing feminine hygiene products will cost an average of \$5 per female student. This estimate accounts for the average menstrual cycle, percentage of days of the year in school, one product per menstruating school day, a product cost of \$0.38, and 40% of female students utilizing the supplies. This estimate is the same as the actual implementation costs for a similar program noted by the Frederick County Public School System.

As shown in **Exhibit 1**, assuming a \$5 cost per female student, local school expenditures increase by \$1.1 million annually. As explained above, actual costs will be less or greater depending on actual usage by students.

The Montgomery County Public School System reports that it already purchases sanitary pads for the middle and high schools; however, these products are only freely available in the health rooms. To the extent that other local school systems already purchase feminine hygiene products for middle and high school students and provide them in restrooms, local school expenditures would be less.

Finally, some local school systems may also incur additional costs if additional custodial staff hours are required to restock bathrooms with products. Although duties may be absorbable by current janitorial staff in some schools.

Exhibit 1
Estimated Feminine Hygiene Product Costs
At \$5 per Female Student Based on Fall 2018 Enrollment

<u>Local School System</u>	<u># of Female Students Grades 6 through 12</u>	<u>Estimated Annual Cost</u>
Allegany	2,061	\$10,305
Anne Arundel	20,800	104,000
Baltimore City	18,690	93,450
Baltimore	28,220	141,100
Calvert	4,393	21,965
Caroline	1,486	7,430
Carroll	6,966	34,830
Cecil	3,869	19,345
Charles	7,198	35,990
Dorchester	1,174	5,870
Frederick	11,113	55,565
Garrett	961	4,805
Harford	9,822	49,110
Howard	15,285	76,425
Kent	491	2,455
Montgomery ¹	41,790	208,950
Prince George's	32,612	163,060
Queen Anne's	2,079	10,395
St. Mary's	4,506	22,530
Somerset	691	3,455
Talbot	1,185	5,925
Washington	5,834	29,170
Wicomico	3,533	17,665
Worcester	1,697	8,485
Statewide	226,456	\$1,132,280

¹Montgomery County Public Schools reports that feminine hygiene products are already purchased for middle and high school students; however, it is unclear if these products are freely available in restrooms.

Note: Actual costs will be less or greater depending on actual usage by students. To the extent feminine hygiene products are currently provided to students free of charge, additional costs will be less.

Source: Maryland State Department of Education; Department of Legislative Services

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education; Department of Housing and Community Development; Baltimore City Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Frederick County Public Schools; St. Mary's County Public Schools; Free the Tampons; democratandchronicle.com; Department of Legislative Services

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