

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 757 (Delegate Bagnall)
Health and Government Operations

Local Health Departments and Community Action Agencies – Feminine Hygiene Products

This bill requires a local health department (LHD) to make available at no cost feminine hygiene products to any woman enrolled in Medicaid. A community action agency (CAA) must also make feminine hygiene products available at no cost. Feminine hygiene products must be made available in an amount sufficient to meet the needs of the woman obtaining the products.

Fiscal Summary

State Effect: The bill does not directly affect governmental operations or finances, as discussed below.

Local Effect: Local government expenditures for LHDs and at least three CAAs increase by an indeterminate but potentially significant amount beginning in FY 2022 to purchase and provide feminine hygiene products, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law:

Local Health Departments

In Maryland, LHDs serve as the operational arms of both State and local governments for the design, implementation, and delivery of public health services. LHDs also administer

and enforce State, county, and municipal health laws, regulations, and programs. Programs offered by LHDs are tailored to each community's specific needs in order to provide services such as preventative care, immunizations, health education, substance use counseling, and rabies and communicable disease prevention. LHDs provide direct public preventative health services and, within some programs, act as case managers. LHDs primarily serve individuals who are either Medicaid-eligible, uninsured, or underinsured.

Community Action Agencies

A CAA is defined as (1) a governmental unit in a political subdivision; (2) a governmental unit created by a combination of political subdivisions; (3) an agency designated as a CAA under federal law; or (4) a private, nonprofit organization that meets requirements for designation. A CAA must (1) encourage subsidiary boards, councils, and agencies engaged in projects related to a community action program to plan for, secure, and administer available financial assistance on a cooperative basis; (2) provide technical and organizational assistance; (3) actively supplement local efforts to combat poverty, as specified; (4) initiate and sponsor community projects to help meet the needs of low-income persons with emphasis on specified elements; (5) establish procedures for community residents to influence the character of their community action programs and participate regularly in implementing those programs; (6) provide the necessary technical and advisory support to enable low-income persons and community groups to secure public and private financial assistance for themselves; and (7) join with and encourage business, labor, and other private or public officials and organizations to support specified community action programs.

A total of 17 CAAs provide services in all 23 Maryland counties and Baltimore City. The Department of Housing and Community Development (DHCD) is authorized to provide financial assistance to CAAs in accordance with distribution standards set by the federal government. Primarily through CAAs, the federal Community Services Block Grant (CSBG) provides a range of direct services designed to assist low-income individuals and families to attain the skills, knowledge, and motivation needed to achieve self-sufficiency. CAAs allocate CSBG funding based on identified community needs.

Feminine Hygiene Products for Homeless Women, Children, and Youth

Chapters 641 and 642 of 2017 require DHCD to make available a supply of feminine hygiene products sufficient to meet the needs of (1) female residents in homeless shelters and (2) qualifying female students in schools who are determined to be homeless children or youth. The feminine hygiene products must be made available for free to service providers, local administering agencies for service providers, and female residents in shelters. DHCD must also make available to local boards of education a free supply of feminine hygiene products sufficient to meet the needs during the normal school year of

female students who are determined to be homeless children or youth under the federal McKinney-Vento Homeless Assistance Act. Each local board of education, through school nurses, must make the products available to qualifying female students in schools.

State/Local Expenditures: Although CAAs receive federal CSBG funding through DHCD, DHCD advises that if provision of feminine hygiene products is not identified as essential through the community needs assessment process, CAAs cannot allocate CSBG funds for this purpose. As DHCD does not provide discretionary funding for CAAs, State expenditures are not likely impacted under the bill. Instead, CAAs that are not public, local agencies (14 of the 17 CAAs) must fund provision of feminine hygiene products on their own. Some CAAs currently offer feminine hygiene products to their clients on a voluntary basis.

As 3 of the 17 CAAs are public, local agencies (Baltimore City and Frederick and Montgomery counties), local expenditures increase by an indeterminate amount beginning in fiscal 2022 in these jurisdictions to fund provision of feminine hygiene products as required under the bill.

LHD expenditures increase by an indeterminate but potentially significant amount beginning in fiscal 2022 to purchase and provide feminine hygiene products to women enrolled in Medicaid. There are an estimated 434,392 women ages 19 to 64 enrolled in Medicaid. The typical reproductive lifetime for women averages from age 12 to age 52.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Community Action Partnership; Maryland Association of County Health Officers; Maryland Department of Health; Department of Housing and Community Development; Department of Legislative Services

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