

HOUSE BILL REPORT

ESHB 1273

As Passed Legislature

Title: An act relating to menstrual hygiene products in school and postsecondary institution bathrooms.

Brief Description: Concerning menstrual products in schools.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Berg, Caldier, Ramel, Simmons, Taylor, Lovick, Bateman, Senn, Leavitt, Fitzgibbon, Wicks, Berry, Peterson, Goodman, Valdez, Hackney, Thai, Kloba, Frame, Ryu, Bronoske, Macri, Callan, Ormsby, Pollet, Slatter, Harris-Talley and Stonier).

Brief History:

Committee Activity:

Appropriations: 2/2/21, 2/4/21 [DPS].

Floor Activity:

Passed House: 2/25/21, 91-7.

Senate Amended.

Passed Senate: 4/10/21, 43-5.

House Concurred.

Passed House: 4/14/21, 85-12.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Requires school districts, private K-12 schools, charter schools, state-tribal compact schools, and public and private institutions of higher education to make menstrual hygiene products available at no cost by the beginning of the 2022-23 academic year.
- Requires these entities to bear the cost of supplying these products.

HOUSE COMMITTEE ON APPROPRIATIONS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Minority Report: Without recommendation. Signed by 1 member: Representative Stokesbary, Ranking Minority Member.

Staff: Jordan Clarke (786-7123).

Background:

The Washington State Board of Health (BOH) must adopt rules controlling public health related to environmental conditions in public facilities, including schools.

Current BOH rules require adequate, conveniently located toilet and hand-washing facilities for students and employees. At hand-washing facilities, soap and single-service towels or warm air dryers must be provided. Toilet paper must be available, conveniently located adjacent to each toilet fixture. Toilet and hand-washing facilities must be accessible for use during school hours and scheduled events.

State law defines "institutions of higher education" as:

- any public university, college, community college, or technical college operated by the state or any political subdivision; or
- any other university, college, school, or institute in the state offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the Washington Student Achievement Council and agrees to comply with certain rules.

Summary of Engrossed Substitute Bill:

By the beginning of the 2022-23 school year, school districts, private K-12, schools, charter schools, and state-tribal compact schools must make menstrual hygiene products available at no cost in all gender-neutral bathrooms and bathrooms designated for female students located in schools serving students in grades 6–12. If a school building serving grades 6–12 does not have a gender-neutral bathroom, then the products must also be available in at least one bathroom accessible to male students or in a school health room accessible to all students. Schools that serve students in grades 3–5 must make menstrual hygiene products available in a school health room or other location as designated by the school principal. Public and private institutions of higher education must also make these products available.

Menstrual hygiene products must include sanitary napkins, tampons, or similar items.

The educational entities must bear the cost of supplying these products. They may seek grants or partner with nonprofit or community-based organizations to fulfill this obligation.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) One in five teens struggles to afford period or menstrual products, and four in five students have either missed a class or know someone else who has because they were menstruating. Over 60 percent have worn a pad or tampon for more than six hours. Lack of menstrual hygiene products increases the risk of anxiety and stress for students in addition to medical risks. Menstruating students should not have to choose between menstruating or learning. According to the Office of the Superintendent of Public Instruction (OSPI) there are 1,057,000 students in the state. Of those students, approximately 264,000 students have periods, which amounts to about 8,800 students every day. Students have to spend time attempting to find products around campus and therefore miss their classes and lose out on learning opportunities.

The COVID-19 pandemic has exacerbated period poverty as well as unemployment and poverty rates. Period poverty takes a physical, emotional, and fiscal toll on students. Finding the funds at wealthy schools has not been a concern, but it has been difficult for lower-income or rural schools to address this issue. Individuals from lower-income households are greatly affected by period poverty, and this results in absenteeism which hurts student academic success. Upholding equity is always worth the investment.

The fiscal impact should be lower than the fiscal note shows. Many of the institutions of higher education assumed that the product dispensers would be metal, while plastic dispensers work just as well and would significantly decrease the cost of the bill. In addition, 73 percent of schools already provide free menstrual products in their bathrooms. These products can be very affordable for schools. Washington provides sales and tax exemptions, retailers are willing to supply these products in bulk, and nonprofits like Planned Parenthood or the Pad Project are willing to donate products as well. Each package could last for weeks or months, and the bill does not require a specific quality of product.

Students as young as 8 years old could get their periods. The state should include an amendment stating that schools that serve grades 3-5 must provide menstrual hygiene products in the school health room or another location as designated by the principal. The

state should also amend the language to include bathrooms located in dormitories.

If the state can put insulin products in schools, then the state can put menstrual products in schools. This bill will result in improved attendance and help menstruating students become more confident when they are in school. New York, California, and Illinois have already made this change. Washington is forward thinking and innovative, so it is time for Washington to do the same.

(Opposed) None.

(Other) Consider adding language to this bill to make the policy more protective of transgender people. The bill should state that products must be supplied in male-designated bathrooms in addition to female-designated bathrooms. Facilities don't always have gender-neutral bathrooms, so transgender boys and transgender men who designate as male would experience stress by needing to ask for these products. Transgender students should not have to go through this every time they use the restroom. When students are given space to be themselves and learn in a safe environment, they thrive. By expanding the bill language, the state can change the entire environment for transgender boys and transgender men.

Persons Testifying: (In support) Representative Berg, prime sponsor; Jinyang Zhang and Ramya Arumilli, Washington for Menstrual Equity; Cordelia Longo; Sophie Derome, Riley Rabuchin, and Nelly Mex Canul, Lake Washington High School; Michael Moran, TVW Capitol Classroom-Lake Washington High School; Laurie Dils, Office of Superintendent of Public Instruction; and Samantha Cruz Mendoza, Associated Students of Washington State University.

(Other) Samantha Fakharzadeh, Washington State University Global Campus.

Persons Signed In To Testify But Not Testifying: None.