

SENATE BILL REPORT

ESHB 1273

As of March 11, 2021

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

Committee Activity: Early Learning & K-12 Education: 3/15/21.

Brief Summary of Bill

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

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: State law directs the Washington State Board of Health to adopt rules controlling public health related to environmental conditions including light, ventilation, sanitary facilities, and cleanliness in public facilities including schools.

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.

Current rules require adequate, conveniently located toilet and hand-washing facilities for students and employees. At hand-washing facilities, soap and single-service towels must be provided or warm air dryers. 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 council and agrees to comply with certain rules.

Summary of Bill: By the beginning of the 2022-23 school year, school districts, charter schools, state-tribal compact schools, and private 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 through 12.

If a school building serving grades 6 through 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. For schools that serve students in grades 3 through 5, schools must make the products available in a school health room or other location as designated by the school principal.

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: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available. New fiscal note requested on March 2, 2021.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.