

TESTIMONY IN SUPPORT OF HB 208
Public School Students – Provision of Menstrual Hygiene Products
SUPPORT

To: Chair Anne R. Kaiser, Vice Chair Alonzo T. Washington, and Members of the House Ways and Means Committee

From: Bronfein Family Law Clinic, University of Baltimore School of Law submitted by student attorneys Eaujee Francisco, Hayden Shannon, Yao Yang, and Professor Margaret E. Johnson

Date: January 30, 2020

We are student attorneys and a Professor at the University of Baltimore School of Law, Bronfein Family Law Clinic. In the clinic, we represent clients and work on community-based projects. In partnering with the Menstrual Equity Alliance for Maryland Students, we researched law, data, and our school's own experience regarding the negative impact on students' education if they have no access to menstrual hygiene products (MHP or menstrual products).

HB 208 would help Maryland students' school attendance. Five states (California, Georgia, Illinois, New Hampshire, and New York) and Boston and New York City have passed legislation requiring public schools to provide menstrual hygiene products in school bathrooms.¹ New York City passed their legislation following a successful pilot program that saw a 2.4% attendance increase². Other studies show that students' school attendance is negatively affected by their access to MHPs. Because students' need for MHPs at school is high, if they are not provided and the student cannot afford them or does not have them due to an unexpected period, students may skip class. In one nation-wide study, of the 693 respondents, 640 (92.35%) "needed a new pad or tampon while at school to manage their period."³ Of these 640 who needed MHPs, only 292 of the respondents indicated that their schools provided MHPs, and 74 of them said they were required to pay for their MHPs. Some respondents (91; 13.13%) had trouble affording MHPs. Of these individuals, only 23 (25.27% of 91) noted that their schools provided MHPs and did not require students to pay for them.

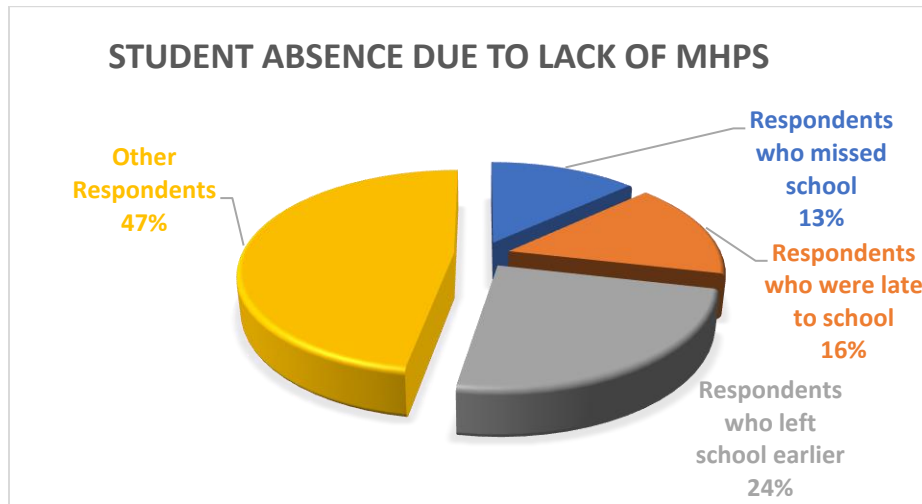
The Total Number of Respondents	Respondents Who Needed MHPs	Respondents with Schools that Provided MHPs	Respondents who Paid for MHPs	Respondents who Could Not Afford MHPs	Respondents who Had Free Access to MHPs
693	640/693	292/640	74/292	91/640	23/91
100.00%	92.35%	45.63%	25.34%	13.13%	25.27%

Respondents also answered whether they missed school, were late to school, or had to leave school early because they "did not have access to" MHPs. The results show that 13.19% of students missed school, 15.38% of students were late to school, and 24.18% of students left school early because they needed access to MHPs to manage their menstruation. Most who were late or who had to leave early were affected 1 to 2 days a year. Roughly 80% of those who missed school reported that they either missed 3 to 5 days a year.

¹ Margaret E. Johnson, Emily Gold Waldman, and Bridget J. Crawford, *Title IX & Menstruation*, HARV. J.L. & GENDER at 33 (forthcoming 2020) (Exhibit A).

² Julie Pennell, *Free Tampons? Some NYC Public Schools Will Provide Feminine Hygiene Products*, TODAY (March 17, 2016, 1:26 PM), <https://www.today.com/health/free-tampons-some-nyc-public-schools-will-provide-feminine-hygiene-t80766>.

³ Christopher A. Cotropia, *Menstruation Management in United States Schools and Implications for Attendance, Academic Performance, and Health*, 6 WOMEN'S REPROD. HEALTH 289, 292 (2019) (Exhibit B).



HB 208 would help Maryland’s menstruating students avoid bleeding through their clothes and suffering harassment and stigma. A recent United Kingdom study found that one in five girls and young women in the UK are teased or bullied about their periods, with many suffering in silence.⁴ A study of 1,000 U.S. teenagers ages 13-19 reveals that 57% report that they “have felt personally affected by the negative association surrounding periods.”⁵

HB 208 would help Maryland comport with the goals of Title IX of the Educational Amendments of 1972, providing “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance,”⁶ subject to certain exceptions. The statute’s ultimate goal is to ensure “equal access to education,” which means to “ensure that no educational opportunity is denied to women on the basis of sex and that women are granted “equal opportunity to aspire, achieve, participate in and contribute to society based on their individual talents and capacities.”⁷ Without menstrual products, we know girls’ school absences are increased.⁸ Maryland can ensure equal opportunity to education for girls by providing free menstrual products.

The cost of HB 208 is a worthy expenditure for equal opportunity to education. In January 2019, a group of University of Baltimore Law students and Associate Dean Margaret Johnson drafted a proposal advocating for free menstrual hygiene products in the law school building’s gender-neutral and women’s bathrooms.⁹ This proposal recognized that an estimated half of UB Law’s academic population were menstruators,¹⁰ and similar to their elementary and high school counterparts, were forced to miss school due to the lack of products available. One student noted, “*On more than one occasion, I’ve either unexpectedly gotten my period or bleed [sic] through the stash of tampons in my purse. If none of my friends*

⁴ See Exhibit A at 11-21.

⁵ Exhibit A at 10.

⁶ 20 U.S.C. §§1681-1688 (1994).

⁷ See United States Department of Justice, Equal Access to Education: Forty Years of Title IX (June 23, 2012), available at <http://www.justice.gov/sites/default/files/crt/legacy/2012/06//20/titleixreport.pdf>

⁸ See Exhibit B at 297.

⁹ See *Free Menstrual Hygiene Products Proposal* (January 28, 2019) (Exhibit C).

¹⁰ Exhibit C at 3.

have any products, and because there is nowhere to get any within the school, I will often skip the rest of my classes and head home to get a tampon.”¹¹ The Dean approved the proposal, and in November 2019, plastic dispensers were installed. Each dispenser cost only \$35 and holds 25 tampons and 12 sanitary pads. The dispensers carry a sign that states, “So that we can continue to offer this service, please take only what is needed.”¹² Preliminary observations have shown the presence of the MHPs in UB’s bathrooms are respected and that the products are not wasted. Since the dispensers have been in place, UB Law Students have expressed how grateful they are for the free access to MHPs.

¹¹ Exhibit C at 2.

¹² Photograph of Menstrual Hygiene Product Dispenser at the University of Baltimore School of Law (Exhibit D).