

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 208
Ways and Means

(Delegate Reznik, *et al.*)
Education, Health, and Environmental Affairs

Public Schools - Provision of Menstrual Hygiene Products

This bill requires each local board of education to ensure that each public school provide, at no charge to the students, menstrual hygiene products via dispensers in the restrooms at the school. A public middle or high school must install menstrual hygiene product dispensers in at least two restrooms on or before October 1, 2020, and in specified restrooms on or before August 1, 2024. A public elementary school must install menstrual hygiene product dispensers in at least one restroom on or before October 1, 2020. **The bill takes effect July 1, 2020.**

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 \$669,800 in FY 2021 and an additional \$824,200 by FY 2025, with ongoing costs totaling approximately \$1.2 million annually beginning in FY 2021. Revenues are not affected. **The bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: Specifically, by August 1, 2024, a public middle or high school must install menstrual hygiene product dispensers as follows: (1) if the restrooms are divided by

gender, at least one men's restroom and all women's restrooms; or (2) if the restrooms are not divided by gender, all restrooms.

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 that feminine hygiene products be provided in employee or public restrooms or in schools.

Legislative Initiatives

As of January 2020, five states (California, Illinois, New Hampshire, New York, and Tennessee) require that feminine hygiene products be provided to students free of charge in at least some school restrooms. According to news reports, Georgia included \$1.5 million in the fiscal 2020 budget for schools to provide free products. Thirteen states (Delaware, Florida, Hawaii, Iowa, Kentucky, Massachusetts, Minnesota, Missouri, New Jersey, Pennsylvania, Washington, West Virginia, and Wisconsin) are considering similar legislation in 2020. Colorado is considering a bill that would provide grants for schools to provide free products. Georgia is considering legislation that would create a committee to address menstruation and poverty in school aged-children.

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 \$669,825 in fiscal 2021 to purchase dispensers for each public school and an additional \$824,200 by fiscal 2025 to purchase additional dispensers for each public middle and high school. Ongoing costs to provide feminine hygiene products to students could total approximately \$1.2 million annually.

One-time Costs

In fiscal 2021, local school expenditures increase by at least \$669,825 for local school systems to purchase one \$325 dispenser at each of the 793 public elementary schools and two \$325 dispensers at each of the 634 public middle and high schools. 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, in 2019, the Baltimore City Public School System indicated that dispensers range in cost from \$243 to \$452. The Frederick County Public School System estimates a cost of \$259 per dispenser and a \$50 installation cost.

By August 1, 2024, local school systems must install dispensers in public middle or high schools as follows: (1) if the restrooms are divided by gender, at least one men's restroom and all women's restrooms; or (2) if the restrooms are not divided by gender, all restrooms. This estimate assumes restrooms are divided by gender and an average of 10 restrooms per school (five female and five male) and, thus, an additional four dispensers must be purchased by fiscal 2025 at a cost of \$824,200. Actual one-time costs for each local school system will depend on the number of restrooms in each school and whether the restrooms are divided by gender.

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.

According to the Baltimore City Public School System, the 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 in 2019.

The Wicomico County Public School System estimates a cost of approximately \$500 per dispenser and a \$100 installation cost. The school system also estimates product costs of \$300 per middle or high school and \$100 per all other schools. For a total annual supply cost of \$4,300. The St. Mary's County Public School System estimates approximately \$23,000 in one-time costs and \$150,000 in annual supply costs, which is approximately \$31 per female student in grades 5 through 12 annually. Based on similar programs that have been implemented, these estimates are assumed to be higher than actual costs.

As shown in **Exhibit 1**, assuming a \$5 cost per female student, local school expenditures increase by \$1.2 million annually. As explained above, actual costs will be less or greater depending on actual usage by students and actual product costs.

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 2019 Enrollment

<u>Local School System</u>	<u>Estimated Female Students Grades 5 through 12</u>	<u>Estimated Annual Cost</u>
Allegany	2,216	\$11,080
Anne Arundel	21,685	108,425
Baltimore City	19,484	97,420
Baltimore	29,558	147,790
Calvert	4,532	22,660
Caroline	1,529	7,645
Carroll	7,220	36,100
Cecil	4,184	20,920
Charles	7,605	38,025
Dorchester	1,247	6,235
Frederick	11,748	58,740
Garrett	1,045	5,225
Harford	10,371	51,855
Howard	16,045	80,225
Kent	505	2,525
Montgomery	44,335	221,675
Prince George's	34,321	171,605
Queen Anne's	2,151	10,755
St. Mary's	4,762	23,810
Somerset	712	3,560
Talbot	1,258	6,290
Washington	6,144	30,720
Wicomico	3,751	18,755
Worcester	1,814	9,070
Statewide	238,222	\$1,191,110

Note: Actual costs will be less or greater depending on actual usage by students and actual cost of products. 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: HB 133 of 2019, a similar bill, received a hearing in the House Ways and Means Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Baltimore County Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; Charles County Public Schools; Wicomico County Public Schools; St. Mary's County Public Schools; Free the Tampons; democratandchronicle.com; Department of Legislative Services

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