

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 427

(Senators Elfreth and West)

Education, Health, and Environmental Affairs

Ways and Means

Public Schools - Provision of Menstrual Hygiene Products - Requirement

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 women's restrooms at the school. A public middle or high school must install menstrual hygiene product dispensers in at least two women's restrooms on or before October 1, 2022, and in all women's restrooms on or before August 1, 2025. A public elementary school must install menstrual hygiene product dispensers in at least one restroom on or before October 1, 2022. The State must reimburse a local board of education for the cost of purchasing and installing the dispensers required by the bill. For fiscal 2023, the Governor must include an appropriation of \$500,000 for this purpose in the annual budget bill. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: General fund expenditures increase by an estimated \$504,600 in FY 2023 (of which \$500,000 is mandated) and by an estimated \$453,600 in FY 2026 to reimburse local school systems for purchasing and installing dispensers. Revenues are not affected. **This bill establishes a mandated appropriation for FY 2023.**

Local Effect: Local school systems will incur one-time costs to install dispensers; however, the State must reimburse local school systems for the cost. Local revenues are not otherwise affected. *Under one set of assumptions*, local school system costs increase by a total of approximately \$1.0 million annually beginning in FY 2023 to provide feminine hygiene products to students. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: Each local board of education must submit to the Maryland State Department of Education (MSDE) a request for reimbursement for the costs of purchasing and installing menstrual hygiene product dispensers by the dates specified.

State Expenditures: General fund expenditures increase by an estimated \$504,645, of which \$500,000 is mandated, in fiscal 2023, and by an estimated \$453,645 in fiscal 2026, which reflects estimated reimbursement costs. MSDE can process reimbursements to local boards of education using existing resources. Actual general fund expenditures depend on actual reimbursements requested by local boards of education. As explained below, it is assumed that the mandated appropriation is approximately the amount required to reimburse local boards of education in fiscal 2023. The following information and assumptions are used in this estimate.

In fiscal 2023, local school expenditures increase by at least \$504,645 for local school systems to purchase one \$255 dispenser at each of the 793 public elementary schools and two \$255 dispensers at each of the 593 public middle and high schools (home and hospital programs and career and technical centers not classified as standalone high schools are not included in these numbers). Prince George's County estimates that dispensers cost \$210 to \$299, an average of \$255 each. Of this cost, \$500,000 is a mandated appropriation for fiscal 2023.

This estimate assumes that all these costs are reimbursed in fiscal 2023, after the reimbursement requests are submitted by November 1, 2022 (fiscal 2023). However, if sufficient funding is not appropriated in fiscal 2023, reimbursements may not occur until fiscal 2024. In that case, general fund expenditures increase in fiscal 2024 in addition to fiscal 2023.

In addition, by August 1, 2025 (fiscal 2026), local school systems must install dispensers in all women's restrooms at public middle or high schools. This estimate assumes an average of five women's restrooms per school and, thus, an additional three dispensers must be purchased for each middle or high school by fiscal 2026 at a cost of \$453,645. Actual one-time costs for each local school system will depend on the number of women's restrooms in each school.

This estimate assumes that these costs are reimbursed in fiscal 2026, after the reimbursement requests are submitted by September 1, 2025 (fiscal 2026). However, if sufficient funding is not appropriated in fiscal 2026, reimbursements may not occur until fiscal 2027. In that case, general fund expenditures increase in fiscal 2027 rather than, or in addition to, fiscal 2026.

The Wicomico County Public School System estimates a cost of approximately \$500 per dispenser and a \$100 installation cost. The St. Mary's County Public School System estimates approximately \$15,000 in one-time costs. Baltimore City Public Schools estimates \$120,000 for dispensers.

Local Expenditures: Local school systems will incur one-time costs to install dispensers; however, as explained above, MSDE must reimburse local boards of education for purchasing and installing dispensers. Ongoing local school system costs to provide feminine hygiene products to students begin in fiscal 2023. 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, ongoing costs to provide feminine hygiene products to students could total approximately \$1.0 million annually beginning in fiscal 2023. 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 Prince George's County Public School System, the bulk feminine hygiene products cost from \$0.26 to \$0.29 each, an average cost of \$0.28 each. Using one set of assumptions, providing feminine hygiene products will cost an average of \$4 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 \$0.28, and 40% of female students utilizing the supplies.

MSDE advises that one New York school district recently approved spending in the amount of \$37,474 for the installation of menstrual hygiene products via dispensers in 175 restrooms. This is an estimated total cost of \$214 per restroom. However, it is unclear how many students that estimate covers and whether the costs include dispensers or products, or both.

The Wicomico County Public School System estimates product costs of \$300 per middle or high school and \$100 per all other schools. The St. Mary's County Public School System

estimates approximately \$20,000 in annual supply costs. Baltimore City Public Schools estimates \$96,000 in annual custodial costs, and \$250,000 in product costs.

As shown in **Exhibit 1**, assuming a \$4 cost per female student, local school expenditures increase by \$974,004 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 \$4 Per Female Student Based on Fall 2020 Enrollment

<u>Local School Systems</u>	<u>Estimated Female Students Grades 5 Through 12</u>	<u>Estimated Annual Cost</u>
Allegany	2,200	\$8,800
Anne Arundel	22,285	89,140
Baltimore City	19,817	79,268
Baltimore	30,282	121,128
Calvert	4,545	18,180
Caroline	1,558	6,232
Carroll	7,184	28,736
Cecil	4,186	16,744
Charles	7,757	31,028
Dorchester	1,238	4,952
Frederick	12,041	48,164
Garrett	1,029	4,116
Harford	10,556	42,224
Howard	16,432	65,728
Kent	509	2,036
Montgomery	45,449	181,796
Prince George's	35,589	142,356
Queen Anne's	2,189	8,756
St. Mary's	4,813	19,252
Somerset	719	2,876
Talbot	1,297	5,188
Washington	6,195	24,780
Wicomico	3,825	15,300
Worcester	1,806	7,224
Statewide	243,501	\$974,004

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 208 of 2020, a similar bill, passed the House and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. 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: HB 205 (Delegate Reznik) - Ways and Means.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Anne Arundel County Public Schools; Prince George's County Public Schools; Wicomico County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
(301) 970-5510