



SB0427 - Public Schools – Provision of Menstrual Hygiene Products - Requirement
Presented to the Honorable Anne Kaiser and Members of the House Ways & Means Committee
March 24, 2021 1:30 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the House Ways & Means Committee to issue a **favorable report on SB0427 - Public Schools – Provision of Menstrual Hygiene Products**, sponsored by Senator Sarah Elfreth.

When menstruating students in Maryland enter their schools in the morning, they may face any number of challenges to completing a full day of school unimpeded. From a lack of menstrual education to pervasive stigmas among peers, obstacles within the education system make puberty all the more confusing and difficult during this tumultuous time for young Marylanders. We must understand and recognize that menstrual equity is a reproductive justice issue. To achieve menstrual equity in Maryland, it is essential that we eliminate these obstacles by not only expanding knowledge about menstruation in health education classes, but also access to menstrual hygiene products in Maryland public schools.

As noted in a law journal article written by faculty and students at the University of Baltimore School of Law, "Title IX & Menstruation," "[b]ecause menstruation is uniquely associated with female biology, a school's failure to address the needs of menstruating students amounts to a denial of educational opportunities on the basis of sex under Title IX".¹ When menstruating students cannot access necessary products because of expenses or lack of support from home, they may be forced to use products for longer than their recommended duration, stuff their underwear with toilet paper or other inappropriate materials, or miss school to avoid menstruating while in class altogether. To ensure equal opportunity and provide holistic support for menstruating students, we must establish both a culture and a practice of menstrual product access in Maryland schools. Failure to do so would create a limitation on students' ability both to participate in and benefit from their education.

The Maryland State Department of Education reports that nearly 43% of students in Maryland schools qualify for free and/or reduced meal services.² When considering the struggles many low income families experience throughout our state to cover basic costs of housing, food, and transportation, it is understandable that some parents may struggle to provide menstrual hygiene products for their children. If menstrual education has not yet occurred for an 8-year-old or 9-year-old experiencing menarche within their homes, families with a lack of

¹ Margaret E. Johnson, Emily Gold Waldman, and Bridget J. Crawford, Title IX and Menstruation, 43 Harv. J. L. & Gender 225 (2020), <https://digitalcommons.pace.edu/lawfaculty/1164/>

² "Free and Reduced-Price Meal Statistics." Maryland State Department of Education, 2019. <http://marylandpublicschools.org/programs/pages/school-community-nutrition/freereducedpricemealstatistics.aspx> .

understanding or stigma surrounding menstruation can create insurmountable barriers for their children to access menstrual hygiene products.

The Office of Women’s Health at the U.S. Department of Health and Human Services reports that while the average age of menarche (the onset of menstruation, or one’s “period,”) is 12 years of age, menstruation may begin as early as 8 years of age or as late as 15 years of age.³ Moreover, the National Institutes of Health have found that the age at menarche is lower in African-American populations than white populations.⁴ Further, although menstruation is usually associated with female biology and reproductive anatomy, menstruation is not limited to women, and not all women menstruate. Because transgender boys and gender non-conforming students may also experience menstruation, menstrual hygiene products must be available in all restrooms. This considered, it is critical that Maryland schools provide size-appropriate menstrual products in public elementary, middle, and high schools in order to effectively serve students across age and racial differences, as well as sex and gender identity differences.

We sincerely hope that the House Ways & Means Committee will amend the bill back to its original language and the current position of the cross-filed HB0205 of including elementary schools, as approximately 30-50% of girls will begin to menstruate before the age of 12, and at least on male-designated restroom in the middle schools and high schools to fairly accommodate transgender and intersex youth who may not feel comfortable or be permitted to access the female-designated restrooms.

Menstrual equity is a reproductive justice issue globally, nationally, and locally. To provide all students with a positive and meaningful education, we must acknowledge that when socioeconomic disparities are coupled with menstrual inequity, gaps in education attainment widen further. An investment in menstrual equity is an investment in Maryland students, and thereby an investment in Maryland’s future. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0427**. Thank you for your time and consideration.

Dispenser used in University of Baltimore School of Law restrooms. Cost: \$35



³ “What Happens During the Typical 28-Day Menstrual Cycle?”, U.S. DEP’T OF HEALTH & HUMAN SERVICES., OFFICE ON WOMEN’S HEALTH, <https://www.womenshealth.gov/menstrualcycle/your-menstrual-cycle> (last visited Jan. 28, 2020).

⁴ Salsberry, Pamela J, Patricia B Reagan, and Kathleen Pajer. “Growth Differences by Age of Menarche in African American and White Girls.” Nursing research. U.S. National Library of Medicine, 2009. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2876306/>.