

Date of Hearing: April 3, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 2229 (Wilson) – As Introduced February 7, 2024

SUBJECT: California Healthy Youth Act: menstrual health education

SUMMARY: Requires that students, once in middle school and once in high school, pursuant to the California Healthy Youth Act, be instructed on the menstrual cycle, premenstrual syndrome and pain management, menstrual hygiene management, menstrual disorders, menstrual irregularities, menopause, menstrual stigma, and any other relevant topics related to the menstrual cycle. Specifically, **this bill:**

- 1) Requires that, as part of the California Healthy Youth Act, that students enrolled in local educational agencies (LEAs) and charter schools receive instruction, once in middle school and once in high school, about the menstrual cycle, premenstrual syndrome and pain management, menstrual hygiene management, menstrual disorders, menstrual irregularities, menopause, menstrual stigma, and any other relevant topics related to the menstrual cycle.
- 2) Defines menstrual health to mean a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity, in relation to the menstrual cycle.

EXISTING LAW:

- 1) Requires, in the California Healthy Youth Act, requires school districts, defined to include county boards of education, county superintendents of schools, the California School for the Deaf, the California School for the Blind, and charter schools, to ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education, as specified. The Act defines “comprehensive sexual health education” for these purposes to mean education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections. Under the act, the instruction is required to adhere to specified criteria, including, among other things, that pupils are provided with knowledge and skills for making and implementing healthy decisions about sexuality. (Education Code (EC) 51931 et seq.)
- 2) Requires that, on or before the start of the 2024-25 school year, a school operated by a school district, a COE, or a charter school enrolling students in grades 3 through 12 stock the school’s restrooms at all times with an adequate supply of menstrual products, available and accessible free of cost, in all women’s restrooms, all-gender restrooms, and in at least one men’s restroom. (EC 35292.6)
- 3) Requires that, on or before the start of the 2022-23 school year, a school operated by a school district, a COE, or a charter school enrolling students in grades 6 through 12 stock the school’s restrooms at all times with an adequate supply of menstrual products, available and accessible free of cost, in all women’s restrooms, all-gender restrooms, and in at least one men’s restroom. (EC 35292.6)
- 4) Prohibits schools from charging for menstrual products provided to students. (EC 35292.6)

- 5) Requires schools to post a notice regarding these requirements in a prominent and conspicuous location in every restroom required to stock menstrual products. Requires this notice to include the text of this requirement and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products. (EC 35292.6)
- 6) Defines “menstrual products” to mean menstrual pads and tampons for use in connection with the menstrual cycle. (EC 35292.6)

FISCAL EFFECT: This bill has been keyed a possible state-mandated local program by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. The author states, “AB 2229 would add the definition of ‘Menstrual Health’ and would alter the current sexual health curriculum by adding information regarding the menstrual cycle and all other relevant topics related to the menstrual cycle.”

Menstrual education is important because it will help pupils understand the naturally occurring role it plays in a healthy body and break the stigma surrounding menstruation. The stigma surrounding menstruation causes unnecessary shame, including body shaming, and prevents those menstruating from seeking medical advice when needed.”

Growth, Development, and Sexual Health is a major part of the current health curriculum. The California Health Content Standards, adopted by the State Board of Education (SBE) in 2008, as well as the Health Curriculum Framework, adopted by the SBE in 2019, include significant content on the topic of Growth, Development, and Sexual Health. ***The Committee may wish to consider*** that menstrual health is one part of a broader set of topics which is already addressed in this subject area, and that the trend of incrementally adding to the California Healthy Youth Act will eventually amount to a mandate that a health course be provided.

Students’ knowledge of menstruation. According to a small study provided by the author, adolescent girls often lack sufficient education on puberty and menstrual health topics and also experience puberty at younger ages than in previous decades. Students in this study reported receiving inadequate and disengaging menstruation and puberty content (Schmitt, 2022). Another study found that only three states (California, Michigan, and New Jersey) specifically covered menstrual product topics (Kuhlmann, 2022).

Adolescent experience relating to menstruation and school. A 2019 Harris Interactive poll of 2,000 U.S. teens aged 13 to 19 commissioned by the nonprofit organization PERIOD and a menstrual products company found:

- Two-thirds of teens have felt stress due to a lack of access to period products;
- 20% have struggled to afford period products or were not able to purchase them at all;

- 61% have worn a tampon or pad for more than 4 hours because they did not have enough access to period products (which puts them at risk of infection and toxic shock syndrome);
- 84% have either missed class time or know someone who missed class time because they did not have access to period products;
- 25% have missed class because of lack of access to period products;
- 83% think lack of access to period products is an issue that is not talked about enough;
- 66% do not want to be at school when they are on their period;
- 69% feel embarrassed when they have to bring period products to the bathroom;
- 51% reported feeling that their school does not care about them if they do not provide free period products in their bathrooms; and
- 51% have missed at least part of a class or class period due to menstruation symptoms such as cramps.

Access to menstrual products and school absenteeism. School absenteeism is associated with multiple negative school and life course outcomes, and low income is associated with higher rates of absenteeism. (Sosu, 2021)

Nearly all research on the relationship between access to menstrual products and absence from school has been conducted in developing countries. More research on this topic is needed in U.S. schools.

One small study conducted in Missouri found that one-third of the participants reported missing school due to a lack of period products. Almost half reported being unable to afford menstrual products most months, and over 60% used products provided at school. (Kuhlmann, 2021) Another larger study using survey data from women who had attended U.S. high schools found that lack of access to menstrual products resulted in 13% having missed school, 15% having been late to school, and 24% having left school early for the day. Lack of access was also identified by 18% of respondents as having impacted their ability to learn. There were statistically significant correlations between a school's failure to provide menstrual products and a student having missed school, having left school early, and negative impacts on their ability to learn. (Cotropia, 2019)

During the 2015-16 school year, New York City conducted a pilot program in which 380 menstrual product dispensers were placed in 25 middle and high schools. The City reported a 2.4% increase in school attendance during the pilot program year. In 2016, the city adopted a requirement that made free feminine hygiene products available to students in the bathrooms of school buildings in which there are female students in grades 6 to 12.

Arguments in support. Period – the Menstrual Movement writes, “The California Healthy Youth Act (AB 329) enacted in 2016 provides mandatory middle and high school sexual health education. However, Education Code 51931 does not state that menstrual health is part of the

comprehensive sexual health curriculum. The lack of education can perpetuate social stigmas surrounding menstruation, leading to shame and poor health outcomes. AB 2229 will help ensure that teens are educated regarding important menstrual health topics such as the menstrual cycle, menstrual disorders, and other related menstrual topics. The new menstrual health education will supplement the current sexual health curriculum.”

Recommended Committee amendments. *Staff recommends that this bill be amended* to 1) narrow the bill to the addition of “menstrual health” in section 51931(c), and 2) to add findings and declarations about the need for education in the menstrual health topics specified in the bill.

Related legislation. AB 230 (Reyes), Chapter 421, Statutes of 2023, expands the requirement that schools serving students in grades 6 through 12 stock specified restrooms with menstrual products to include schools serving students in grades 3 to 5.

AB 367 (C. Garcia), Chapter 667, Statutes of 2021, requires all public schools serving students in grades 6 to 12 to stock specified restrooms with an adequate supply of free menstrual products, commencing in the 2022-23 school year; and requires the California State University (CSU) and each community college district, and encourages the Regents of the University of California (UC), independent institutions of higher education, and private postsecondary educational institutions, to stock an adequate supply of free menstrual products at no fewer than one designated and accessible central location on each campus.

AB 10 (C. Garcia), Chapter 687, Statutes of 2017, requires a public school serving grades 6 to grade 12 that meets the 40% pupil poverty threshold required to operate a schoolwide Title 1 program to stock at least 50% of the school’s restrooms with feminine hygiene products at all times.

AB 150 (Committee on Budget), Chapter 82, Statutes of 2021, indefinitely extends the sales and use tax exemptions for the sale of, or the storage, use, or other consumption of, menstrual hygiene products.

REGISTERED SUPPORT / OPPOSITION:

Support

Advocates for Youth
Alameda County Office of Education
Alliance for Children's Rights
American Academy of Pediatrics, California
California Federation of Teachers AFL-CIO
Ignite
National Association of Pediatric Nurse Practitioners
Period - the Menstrual Movement
Reproductive Freedom for All
One individual

Opposition

None on file

Analysis Prepared by: Tanya Lieberman / ED. / (916) 319-2087