

Date of Hearing: March 22, 2023

ASSEMBLY COMMITTEE ON EDUCATION  
Al Muratsuchi, Chair  
AB 230 (Reyes) – As Introduced January 11, 2023

**SUBJECT:** Menstrual products: Girl Scouts Period Equity Act

**SUMMARY:** 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. Specifically, **this bill:**

- 1) Requires that schools operated by school districts, county offices of education (COE), and charter schools, which enroll students in grades 3 through 5, stock the schools' 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.
- 2) Prohibits these schools from charging for menstrual products provided to students.
- 3) Requires these 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.

**EXISTING LAW:**

- 1) 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.
- 2) Prohibits schools from charging for menstrual products provided to students.
- 3) 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.
- 4) Defines "menstrual products" to mean menstrual pads and tampons for use in connection with the menstrual cycle. (Education Code (EC) 35292.6)

**FISCAL EFFECT:** The Office of Legislative Counsel has keyed this bill a possible state-mandated local program.

**COMMENTS:**

***Need for the bill.*** The author states, “AB 230 expands on the Menstrual Equity for All Act of 2021 by requiring public schools serving third through fifth grades to adequately stock restrooms with menstrual products. The Menstrual Equity for All Act of 2021 was enacted to expand access to menstrual products in public schools serving sixth through twelfth grades across California. Currently, there are over 2,000 schools serving third through fifth grade students that are not required to make menstrual products available to their students. AB 230 will continue California’s progress toward period equity by expanding availability of free menstrual products to younger students in need.”

***Age of onset of menstruation.*** According to materials provided by the author, the Centers for Disease Control and Prevention (CDC) reports that among women aged 15 to 44 in the United States between 2013 and 2017, 10% reached menarche by age 10, 53% by age 12, and 90% by age 14. Students aged 10 are typically enrolled in the 5<sup>th</sup> grade.

***How many additional schools would be subject to this requirement?*** According to data from the California Department of Education (CDE) and provided by the author, there are 2,497 schools serving grades K-3 and grades K-5 which would be newly subject to this requirement.

***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.

***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 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.
- 51% have missed at least part of a class or class period due to menstruation symptoms such as cramps.

***Dangers of toxic shock syndrome.*** While some pupils who menstruate may choose to reduce the cost of feminine hygiene products by reducing the time between changing the product, this choice can have serious health consequences caused by Toxic Shock Syndrome (TSS). In 1980 the CDC identified a close association between incidents of TSS and tampon use. The potentially fatal disease causes fever, shock, low blood pressure, skin rashes and liver and kidney abnormalities. In 1982 the Federal Drug Administration (FDA) required that menstrual tampon packages contain a brief statement alerting consumers to the dangers of TSS, including the risk to all women using tampons during their menstrual period, especially the reported higher risks to women under 30 years of age and teenage girls. The package warnings were also to include information on the incidence of TSS of 6 to 17 per 100,000 menstruating women and girls per year and the risk of death from contracting TSS.

***Arguments in support.*** The leader for the Girl Scout San Geronio Troop 76 writes, “It is important to identify menstruation needs in younger girls and the lack of adequate supplies available at elementary schools. There are many young girls and their families who may not be able to afford menstrual pads, and therefore often miss school while on their menstrual cycle due to embarrassment and the inability to maintain proper hygiene during their cycle because of not having proper supplies. AB 230 recognizes the importance of having menstrual supplies available, accessible and free to young girls while at school; it may lessen the stress girls are experiencing and allow them to take care of their menstrual needs and feel confident at school, which can lead to increase in school attendance during their menstrual cycle. Please think of all the girls who might not have pads or supplies, and how knowing they can come to school and feel safe, cared for and valued enough by the State of California to make sure their basic health needs will be met if they are experiencing their menstrual cycle while in class.”

***Recommended amendments.*** If enacted, this bill would impose a new requirement on LEAs and charter schools on January 1, 2024. Consistent with prior legislation on this topic, which made the effective date the start of the school year, ***staff recommends that this bill be amended*** to take effect on or before the start of the 2024-25 school year. Staff also notes that this act is named after a trademarked organization, and ***recommends that this be removed from the bill*** and instead add findings and declarations.

***Related legislation.*** 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.

SB 971 (Huff) Chapter 923, Statutes of 2004, eliminates the requirement, established by SB 892 in 2003, for schools to submit reports to the Office of Public School Construction on the responses to restroom maintenance complaint forms.

SB 550 (Vasconcellos), Chapter 900, Statutes of 2004, authorizes school districts to use the Uniform Complaint Process to help identify and resolve any deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

SB 892 (Murray), Chapter 909, Statutes of 2003, establishes the requirement that every public and private school have restroom facilities that are open as prescribed during school hours, and at all times to keep every restroom maintained and cleaned regularly, fully operational, and stocked with soap and paper supplies.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Girl Scouts of San Geronimo Council (sponsor)  
Access Reproductive Justice  
California Alternative Payment Program Association  
California Association of Student Councils  
Citizens for Choice  
Coalition of California Welfare Rights Organizations  
Conference of California Bar Associations  
Consumer Watchdog  
Courage California  
First 5 Alameda County  
Health Access California  
John Burton Advocates for Youth  
New Voices for Reproductive Justice  
Nouri Law Corporation  
Office of Lieutenant Governor Eleni Kounalakis  
Period - the Menstrual Movement  
San Francisco Black, Jewish and Unity Group

Santa Barbara Women's Political Committee

**Opposition**

None on file

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