

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 389 Menstrual Hygiene Products in Public Schools

SPONSOR(S): Education Quality Subcommittee, Skidmore and others

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 334

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Quality Subcommittee	17 Y, 0 N, As CS	Dixon	Sanchez
2) PreK-12 Appropriations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

To ensure the availability of menstrual hygiene products for students, the bill provides that school districts may make menstrual hygiene products available in each school within the district, at no charge. The menstrual hygiene products may be located in the school nurse's office, other physical school facilities for health services, and in school restrooms, including wheelchair accessible restrooms.

The bill requires each participating school to ensure that students are provided appropriate notice as to the availability and location of the menstrual hygiene products.

The bill encourages participating school districts to partner with nonprofit organizations, nongovernmental organizations, businesses, and other organizations to assist in supplying and maintaining the required menstrual hygiene products.

The bill defines the term "menstrual hygiene products" to mean tampons and sanitary napkins for use in connection with the menstrual cycle.

The bill does not appear to have a fiscal impact.

This bill provides an effective date of July 1, 2023

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Menstrual Cycle and Menstrual Hygiene Products

Present Situation

Girls usually get their first period between the ages of 10 and 15, but it can occur earlier or later. Though some girls may feel scared or embarrassed by the arrival of their period, it is important that they know periods are a normal and healthy part of having a female body.¹

Being prepared for menstruation is important to support the physical and mental well-being of adolescents. In 2019, the Women's Health Journal published the results of a study involving 693 women, 18–25 years old, all of whom had attended high schools in the United States. The women were asked about their need for and the availability of menstrual hygiene products in high school and the impact, if any, that lack of access to menstrual hygiene products in school had for their attendance, academic performance, and health.²

The study revealed that 640 of the women needed menstrual hygiene products while at school, but only 292 women attended schools that provided menstrual hygiene products. Lack of access to menstrual hygiene products resulted in 88 women having missed school, 104 women having been late to school, and 165 women having left school early for the day. Lack of access was also identified by 122 respondents as having impacted their ability to learn and having resulted in health issues for 53 of them. Currently, there are no state or federal requirements for menstrual hygiene products in schools, although some schools may have menstrual hygiene products available for their students.³

Health and Wellness of Students in Florida

District school boards are responsible for attending to health, safety, and other matters relating to the welfare of students.⁴ District school board personnel may assist students in the administration of prescription medication.⁵ School personnel designated to assist in the administration of medication must be trained by authorized licensed health personnel.⁶

The Department of Health has the responsibility, in cooperation with the Department of Education (DOE), to supervise the administration of the school health services program and perform periodic program reviews.⁷ County health departments, district school boards, and local school health advisory committees jointly develop school health services plans, which must include provisions for meeting emergency needs at each school.⁸

The school health services plan describes the health services to be provided by a school.⁹ For example, the plan must address:¹⁰

- Specified physical screenings.

¹ Krishna Wood White, MD., Nemours Teens Health, *All About Periods*, available at <https://kidshealth.org/en/teens/menstruation.html> (last visited Mar. 26, 2023).

² Christopher A. Cotropia, *Menstruation Management in United States Schools and Implications for Attendance, Academic Performance, and Health*, 6 *Women's Productive Health*, 4 (2019), available at <https://www.tandfonline.com/doi/abs/10.1080/23293691.2019.1653575?journalCode=uwrh20> (last visited Mar. 26, 2023).

³ *Id.*

⁴ Section 1001.42(8), F.S.

⁵ Section 1006.062(1), F.S.

⁶ Section 1006.062(1)(a), F.S.

⁷ Section 381.0056(3), F.S.

⁸ Section 381.0056(4)(a), F.S.; *See also* rule 64F-6.002, F.A.C.

⁹ Section 381.0056(2)(e), F.S.

¹⁰ Section 381.0056(4)(a), F.S.

- Health counseling.
- Meeting emergency health needs in each school.
- Consultation with a student's parent or guardian regarding the need for health attention by the family physician, dentist, or other specialist when definitive diagnosis or treatment is indicated.
- Maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs.

In attending to student health, the district school board is required to:¹¹

- include health services and health education as part of the health services plan;
- provide inservice health training for school personnel;
- make available adequate physical facilities for health services; and
- at the beginning of each school year:
 - provide parents and guardians with information on helping children to be physically active and eat healthy foods; and
 - inform parents or guardians in writing that their children who are students in the district schools will receive specified health services as provided for in the district health services plan, with the option for a student to be exempt from any of these services if his or her parent or guardian requests such exemption in writing.

Additionally, state funds are allocated to local county health departments for school health services. The local county health departments and school districts collaborate to determine how funding is to be allocated. Funds can be used for clinic staffing and to purchase supplies. School health clinics in many districts use some of the allocated funds to maintain a supply of feminine hygiene products in school clinics. The hygiene products are provided free of charge to female students.¹²

Districts also include guidance to school counseling. The school counseling program must focus their energies and efforts on producing students who possess the knowledge, skills, competencies, and personal habits that will help them to be productive students in their schools; productive workers in a global economic environment; and, ultimately, contributing citizens in society.¹³ On June 30 of each year, district school boards are required to annually submit a district guidance report to the Commission of education. Among other criteria, the report includes:¹⁴

- Examination of student access to certified school counselors.
- Degree to which a district has adopted or implemented a guidance model program.
- Evaluation of the information and training available to certified school counselors and career specialists.
- Progress toward incorporation of best practices for advisement as identified by the department.
- Consideration of alternative guidance systems or ideas, such as a teacher-advisor model.
- A guidance plan for the district.

Other States Efforts

Several states¹⁵ have passed legislation related to menstrual hygiene products. Some include Hawaii, Connecticut, Vermont, and Virginia.

Starting in the 2022-2023 school year, the Hawaii Department of Education appropriated \$2,000,000 to provide menstrual products free of charge to all students in all public school and public charter campuses.¹⁶ For fiscal year 2023, the Connecticut Legislature appropriated \$2,000,000 towards

¹¹ Section 381.0056(6), F.S.

¹² Florida Department of Education, *Legislative Bill Analysis for SB 242* (2021).

¹³ Florida Department of Education, *Information Hub, Florida's School Counseling Framework*, (2010), at 2, <https://www.fldoe.org/core/fileparse.php/7690/urlt/0070167-finalcounselframework2010.pdf>.

¹⁴ Section 1006.025, F.S.

¹⁵ Other states include, but are not limited to, New York, N.Y. Women's Health § 6-267 (2018); New Hampshire, N.H. REV. STAT. ANN. § 189:16-a (2019); Delaware, DEL.CODE ANN. tit. 14 § 4142 (2021); Oregon, OR. REV. STAT. § 327.008 (2021); Illinois, 105 IL COMP. STAT. 5/10 -20.63 and 5/34 - 18.56 (2021); and Nevada, NEV. REV. STAT. § 385A.070.

¹⁶ HAW. REV. STAT § 302A and 302D (2022).

projects funding free menstrual products in the state. The legislation required free menstrual products in all public schools' restrooms that serve students in grades 4-12.¹⁷

Beginning in the 2021-2022 school year, the state of Vermont required all public schools to provide menstrual products free of charge, for all students eight years of age or older, in female designated restrooms and gender-neutral restrooms. The schools were required to bear the cost of the products.¹⁸ Similarly, in 2020, Virginia legislation passed requiring public schools to provide menstrual supplies, at no cost to students, in each middle and high school bathroom, and in accessible locations of elementary schools, as deemed appropriate by the local school division. School districts are fiscally responsible for supplying menstrual supplies to schools.¹⁹

Effect of Proposed Changes

To ensure the availability of menstrual hygiene products for students, the bill provides that school districts may make menstrual hygiene products available in each school within the district, at no charge. The menstrual hygiene products may be located in the school nurse's office, other physical school facilities for health services, and in school restrooms, including wheelchair accessible restrooms.

The bill requires each participating school to ensure that students are provided appropriate notice as to the availability and location of the menstrual hygiene products.

The bill encourages participating school districts to partner with nonprofit organizations, nongovernmental organizations, businesses, and other organizations to assist in supplying and maintaining the required menstrual hygiene products.

The bill defines the term "menstrual hygiene products" to mean tampons and sanitary napkins for use in connection with the menstrual cycle.

B. SECTION DIRECTORY:

Section 1: Creates s. 1006.064, F.S.; defining the term "menstrual hygiene products"; authorizing schools districts to make menstrual hygiene products available, at no charge, in certain schools within the district and in certain locations within such schools; requiring schools to notify students of the availability and locations of such products; encouraging school districts to partner with specified organizations to meet certain requirements; providing applicability.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

¹⁷ CONN. GEN. STAT § 18-69e (2022).

¹⁸ VT. STAT. ANN. Education 16 § 1432 (2021).

¹⁹ VA. CODE. ANN. § 22.1-6.1 (2020).

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 29, 2023, the Education Quality Subcommittee adopted a Proposed Committee Substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differed from HB 389 in the following ways:

- removes all whereas statements;
- provides that school districts may make menstrual hygiene products available at each school within the district, at no cost, removing the requirement that products be made available at all middle and high schools within the district;
- specifies that menstrual hygiene products may be available in the school nurse's office, other physical school facility for health services, and in restrooms within each school;
- removes the requirement for charter schools to make menstrual hygiene products available in each middle and high school.

The bill analysis is drafted to the committee substitute adopted by the Education Quality Subcommittee.