

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 851 Session of 2023

INTRODUCED BY PARKER, HILL-EVANS, MADDEN, HOHENSTEIN, DALEY, BOROWSKI, MAYES, BULLOCK, PROBST, ISAACSON, CEPEDA-FREYTIZ, SHUSTERMAN, STEELE, T. DAVIS, KINSEY, GUENST, CONKLIN, CIRESI, SANCHEZ, MALAGARI, SCHLOSSBERG, BURGOS, KHAN, D. WILLIAMS, HANBIDGE, INNAMORATO, GREEN, KRAJEWSKI, KINKEAD, CURRY, GILLEN, O'MARA, FLEMING, WARREN, OTTEN AND PIELLI, APRIL 10, 2023

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 7, 2024

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in school health services, providing
6 for Menstrual Hygiene Products Accessibility Grant Program;
7 and making an appropriation.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding a
12 section to read:

13 Section 1426. Menstrual Hygiene Products Accessibility Grant
14 Program.--(a) The Menstrual Hygiene Products Accessibility
15 Grant Program is established.

16 (b) A grant recipient shall:

17 (1) Use the grant award to acquire and distribute menstrual

1 hygiene products at no expense to students, including installing
2 and maintaining a dispensing machine or disposal receptacle for
3 menstrual hygiene products.

4 (2) Ensure that menstrual hygiene products are accessible to
5 a student regardless of the student's gender identity STUDENTS. <--

6 (c) A public school entity shall be eligible to receive a
7 grant under the program if the public school entity has fifty <--
8 TWENTY-FIVE percent or more students enrolled who are eligible <--
9 for IN free or reduced-cost lunch under 42 U.S.C. Ch. 13 <--
10 (relating to school lunch programs).

11 (d) The department shall develop annual grant application <--
12 forms for eligible public school entities that seek a grant
13 under the program. At a minimum, the forms shall contain the
14 following information:

15 (D) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF <--
16 HEALTH, SHALL DEVELOP A GRANT APPLICATION FORM FOR ELIGIBLE
17 PUBLIC SCHOOL ENTITIES THAT SEEK A GRANT UNDER THE PROGRAM. AT A
18 MINIMUM, THE FORM SHALL CONTAIN THE FOLLOWING INFORMATION:

19 (1) The number of students enrolled at the eligible public
20 school entity.

21 (2) The number of restrooms, including gender neutral <--
22 restrooms, on the property of the eligible public school entity.

23 (e) The following shall apply:

24 (1) The department shall implement and administer the
25 program. and award grants to eligible public school entities <--
26 that apply in an amount that is proportionate to the number of
27 students and restrooms as provided in the eligible public school
28 entity's application.

29 (2) The department may promulgate rules and regulations
30 necessary to implement the program.

1 (2) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF <--
2 HEALTH, MAY ISSUE GUIDANCE NECESSARY TO IMPLEMENT THE PROGRAM.

3 (f) After review of the information provided in each
4 eligible public school entity's submitted application form, the <--
5 department shall determine whether to award money from the
6 program to the eligible public school entity and, if so, the
7 amount of the program money awarded. GRANTS SHALL BE AWARDED IN <--
8 AN AMOUNT THAT IS PROPORTIONATE TO THE NUMBER OF STUDENTS AND
9 RESTROOMS AS PROVIDED IN THE ELIGIBLE PUBLIC SCHOOL ENTITY'S
10 APPLICATION.

11 (g) The following shall apply:

12 (1) Within one year of being awarded a grant, each eligible
13 public school entity that received a grant shall ~~submit a report~~ <--
14 to the department. The report shall include REPORT TO THE <--
15 DEPARTMENT information concerning the amount of money spent on
16 the acquisition and distribution of menstrual hygiene products
17 and the amount of money spent on the installation and
18 maintenance of a dispensing machine or disposal receptacle for
19 menstrual hygiene products.

20 ~~(2) Within one year of receiving reports from eligible~~ <--
21 ~~public school entities that received a grant, the department~~
22 ~~shall submit a summarized report of the information received~~
23 ~~under paragraph (1) to the Education Committee of the Senate and~~
24 ~~the Education Committee of the House of Representatives.~~

25 (2) WITHIN ONE YEAR OF RECEIVING THE INFORMATION RECEIVED <--
26 UNDER PARAGRAPH (1) FROM ELIGIBLE PUBLIC SCHOOL ENTITIES THAT
27 RECEIVED A GRANT, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED
28 REPORT TO THE EDUCATION COMMITTEE OF THE SENATE, THE EDUCATION
29 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN
30 SERVICES COMMITTEE OF THE SENATE AND THE HEALTH COMMITTEE OF THE

1 HOUSE OF REPRESENTATIVES.

2 (h) As used in this section, the following words and phrases
3 shall have the meanings given to them in this subsection unless
4 the context clearly indicates otherwise:

5 "Department" means the Department of Education of the
6 Commonwealth.

7 "MENSTRUAL HYGIENE PRODUCTS" MEANS TAMPONS, SANITARY NAPKINS <--
8 OR PADS, PANTYLINERS AND SIMILAR MENSTRUAL HYGIENE PRODUCTS.

9 "Program" means the Menstrual Hygiene Products Accessibility
10 Grant Program established under subsection (a).

11 ~~"Menstrual hygiene products" means tampons, sanitary napkins <--~~
12 ~~or pads, pantyliners and similar menstrual hygiene products.~~

13 ~~"Public school entity" means any public school, including a <--~~
14 ~~school district, charter school, regional charter school,~~
15 ~~intermediate unit or area career and technical school operating~~
16 ~~within this Commonwealth.~~

17 Section 2. The sum of ~~\$100,000~~ \$3,000,000 is appropriated <--
18 from the General Fund to the Department of Education for the
19 Menstrual Hygiene Products Accessibility Grant Program.

20 Section 3. This act shall take effect in 60 days.