

§§1,2
C.18A:33-29
and 18A:33-30
§3
Note to §§1,2

P.L. 2023, CHAPTER 147, *approved August 23, 2023*
Senate, No. 1221 (*Third Reprint*)

1 AN ACT concerning the provision of ¹**[feminine hygiene]**
2 menstrual¹ products in public schools and supplementing chapter
3 33 of Title 18A of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 ²1. The Legislature finds and declares that:

9 a. New Jersey recognizes that access to menstrual products is
10 vital for ensuring the health, dignity, and full participation of all
11 New Jerseyans in public life.

12 b. A lack of access to menstrual products during the school day
13 has a direct impact on a student’s academic performance and affects
14 the student’s overall educational outcomes.

15 c. Students lacking access to menstrual products experience
16 higher rates of absences and are less able to focus and engage in the
17 classroom when they are present. Absenteeism can lead to
18 significant performance gaps and is linked to social disengagement,
19 feelings of alienation, and adverse outcomes, even well into
20 adulthood.

21 d. Expanding student access to menstrual products can result in
22 increased attendance rates. A pilot program at a New York City
23 high school saw a 2.4 percent increase in attendance in the
24 participating school and subsequently, the state of New York
25 enacted legislation providing free menstrual products to students.

26 e. By providing students with free access to menstrual products,
27 the State can help reduce disparities in education and ensure that
28 students are given the resources and educational access needed to
29 meet their full potential.

30 f. It is the intent of the Legislature that this act provide for the
31 health, dignity, and safety of menstruating students at every
32 socioeconomic level, as well as to help normalize menstruation
33 among all.²

34
35 ²**[1.]** ²2. a. As used in this section, ¹**[“feminine hygiene”**
36 **“menstrual”** products” mean tampons and sanitary napkins for use
37 in connection with the menstrual cycle.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SED committee amendments adopted June 2, 2022.

²Senate SBA committee amendments adopted December 5, 2022.

³Assembly AWC committee amendments adopted May 11, 2023.

1 b. A school district shall ensure that students in each school
2 educating students in grades ²[6] six² through 12, or any
3 combination thereof, have direct access to ¹[feminine hygiene]
4 menstrual¹ products in ¹[all of the] at least 50 percent of female¹
5 ²and gender-neutral² school bathrooms ³, if applicable,³ free of
6 charge.

7 c. Any costs incurred by a school district in providing an
8 adequate supply of ¹[feminine hygiene] menstrual¹ products to
9 meet the needs of its students shall be borne by the State.

10 ²d. The Department of Education, in conjunction with the
11 Department of Health, shall periodically review and assess whether
12 the provision of free menstrual products pursuant to this act meets
13 the needs of menstruating students, and, if necessary, shall make
14 recommendations regarding the expansion of access to menstrual
15 products to students in grades below grade six.²

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17 ²[2.] 3.² This act shall take effect in the first full school year
18 following the date of enactment.

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23 Establishes program in DOE to reimburse school districts for
24 providing menstrual products in certain public schools and requires
25 State to pay costs.

SENATE, No. 1221

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senator Cunningham

SYNOPSIS

Requires school districts to provide feminine hygiene products in certain public schools and requires State to pay costs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/9/2022)

1 AN ACT concerning the provision of feminine hygiene products in
2 public schools and supplementing chapter 33 of Title 18A of the
3 New Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. As used in this section, “feminine hygiene products”
9 mean tampons and sanitary napkins for use in connection with the
10 menstrual cycle.

11 b. A school district shall ensure that students in each school
12 educating students in grades 6 through 12, or any combination
13 thereof, have direct access to feminine hygiene products in all of the
14 school bathrooms free of charge.

15 c. Any costs incurred by a school district in providing an
16 adequate supply of feminine hygiene products to meet the needs of
17 its students shall be borne by the State.

18
19 2. This act shall take effect in the first full school year
20 following the date of enactment.

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STATEMENT

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25 This bill requires school districts to ensure that students in each
26 school educating students in grades 6 through 12, or any
27 combination thereof, have direct access to feminine hygiene
28 products in all of the school bathrooms free of charge. Any costs
29 incurred by a school district in complying with the provisions of
30 this bill will be borne by the State. For purposes of this bill,
31 “feminine hygiene products” mean tampons and sanitary napkins.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

[Third Reprint]

SENATE, No. 1221

STATE OF NEW JERSEY

DATED: JUNE 8, 2023

The Assembly Education committee reports favorably Senate Bill No. 1221 (3R).

This bill requires school districts to ensure that students in schools educating students in grades six through 12, or any combination thereof, have direct access to menstrual products in at least 50 percent of female and gender-neutral school bathrooms free of charge. The bill requires that the Department of Education, in conjunction with the Department of Health, periodically review and assess whether the provision of free menstrual products meets the needs of menstruating students. If necessary, the department will make recommendations regarding the expansion of access to menstrual products to students in grades below grade six.

Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State. For purposes of this bill, “menstrual products” mean tampons and sanitary napkins for use in connection with the menstrual cycle.

As reported by the committee, Senate Bill No. 1221 (3R) is identical to Assembly Bill No. 1349 (1R) which was reported by the committee on this date.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

[Third Reprint]

SENATE, No. 1221

STATE OF NEW JERSEY

DATED: JUNE 8, 2023

The Assembly Education committee reports favorably Senate Bill No. 1221 (3R).

This bill requires school districts to ensure that students in schools educating students in grades six through 12, or any combination thereof, have direct access to menstrual products in at least 50 percent of female and gender-neutral school bathrooms free of charge. The bill requires that the Department of Education, in conjunction with the Department of Health, periodically review and assess whether the provision of free menstrual products meets the needs of menstruating students. If necessary, the department will make recommendations regarding the expansion of access to menstrual products to students in grades below grade six.

Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State. For purposes of this bill, “menstrual products” mean tampons and sanitary napkins for use in connection with the menstrual cycle.

As reported by the committee, Senate Bill No. 1221 (3R) is identical to Assembly Bill No. 1349 (1R) which was reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Third Reprint]

SENATE, No. 1221

STATE OF NEW JERSEY

DATED: JUNE 22, 2023

The Assembly Appropriations Committee reports favorably Senate Bill No. 1221 (3R).

This bill requires school districts to ensure that students in schools educating students in grades six through 12, or any combination thereof, have direct access to menstrual products in at least 50 percent of female and gender-neutral school bathrooms free of charge. The bill requires that the Department of Education, in conjunction with the Department of Health, periodically review and assess whether the provision of free menstrual products meets the needs of menstruating students. If necessary, the department will make recommendations regarding the expansion of access to menstrual products to students in grades below grade six.

Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State. For purposes of this bill, “menstrual products” mean tampons and sanitary napkins for use in connection with the menstrual cycle.

As reported by the committee, Senate Bill No. 1221 (3R) is identical to Assembly Bill No. 1349 (1R) which was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill would result in a \$1.8 million to \$3.5 million increase in State expenditures in the first full school year following enactment and a \$1.4 million to \$2.9 million increase in State expenditures in each subsequent year. The expenditures would first be incurred by school districts and then reimbursed by the State. The greater costs in the first year reflect the initial purchase of menstrual product dispensers.

Based on data from the 2020-2021 school year, approximately 1,383 schools across the State would be required to provide free menstrual products in at least 50 percent of female and gender-neutral school bathrooms, as applicable. Total enrollment of female students in grades six through 12 in these schools approximated 354,497.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1221

STATE OF NEW JERSEY

DATED: MAY 9, 2022

The Senate Education Committee favorably reports Senate Bill No. 1221.

This bill requires school districts to ensure that students in each school educating students in grades 6 through 12, or any combination thereof, have direct access to feminine hygiene products in all of the school bathrooms free of charge. Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State. For purposes of this bill, “feminine hygiene products” mean tampons and sanitary napkins.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1221

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 2, 2022

The Senate Education Committee favorably reports Senate Bill No. 1221 with committee amendments.

As amended, this bill requires school districts to ensure that students in schools educating students in grades 6 through 12, or any combination thereof, have direct access to menstrual products in at least 50 percent of female school bathrooms free of charge.

Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State. For purposes of this bill, “menstrual products” mean tampons and sanitary napkins for use in connection with the menstrual cycle.

COMMITTEE AMENDMENTS:

The committee amended the bill to replace the term “feminine hygiene products” with the term “menstrual products.” The committee amendments stipulate that menstrual products are to be made available in at least 50 percent of female bathrooms in a school subject to the provisions of the bill, instead of in all school bathrooms, as originally provided in the bill.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Third Reprint]

SENATE, No. 1221

STATE OF NEW JERSEY

DATED: JUNE 22, 2023

The Assembly Appropriations Committee reports favorably Senate Bill No. 1221 (3R).

This bill requires school districts to ensure that students in schools educating students in grades six through 12, or any combination thereof, have direct access to menstrual products in at least 50 percent of female and gender-neutral school bathrooms free of charge. The bill requires that the Department of Education, in conjunction with the Department of Health, periodically review and assess whether the provision of free menstrual products meets the needs of menstruating students. If necessary, the department will make recommendations regarding the expansion of access to menstrual products to students in grades below grade six.

Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State. For purposes of this bill, “menstrual products” mean tampons and sanitary napkins for use in connection with the menstrual cycle.

As reported by the committee, Senate Bill No. 1221 (3R) is identical to Assembly Bill No. 1349 (1R) which was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill would result in a \$1.8 million to \$3.5 million increase in State expenditures in the first full school year following enactment and a \$1.4 million to \$2.9 million increase in State expenditures in each subsequent year. The expenditures would first be incurred by school districts and then reimbursed by the State. The greater costs in the first year reflect the initial purchase of menstrual product dispensers.

Based on data from the 2020-2021 school year, approximately 1,383 schools across the State would be required to provide free menstrual products in at least 50 percent of female and gender-neutral school bathrooms, as applicable. Total enrollment of female students in grades six through 12 in these schools approximated 354,497.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1221

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2022

The Senate Budget and Appropriation Committee reports favorably Senate Bill No. 1221 (1R) with committee amendments.

As amended by the committee, this bill requires school districts to ensure that students in schools educating students in grades six through 12, or any combination thereof, have direct access to menstrual products in at least 50 percent of female and gender-neutral school bathrooms free of charge. The amended bill requires that the Department of Education, in conjunction with the Department of Health, periodically review and assess whether the provision of free menstrual products meets the needs of menstruating students. If necessary, the department will make recommendations regarding the expansion of access to menstrual products to students in grades below grade six.

Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State. For purposes of this bill, “menstrual products” mean tampons and sanitary napkins for use in connection with the menstrual cycle.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- stipulate that menstrual products are to be made available in at least 50 percent of female and gender-neutral bathrooms;
- require that the Department of Education, in conjunction with the Department of Health, periodically review and assess whether the provision of free menstrual products meets the needs of menstruating students. If necessary, the department will make recommendations regarding the expansion of access to menstrual products to students in grades below grade six; and
- include a Findings and Declarations section to provide background on how a lack of access to menstrual products in schools affects student absentee rates and overall educational outcomes.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill would lead to a \$1.8 million to \$3.5 million increase in State expenditures in the first full school year following enactment and a \$1.4 million to \$2.9 million increase in each subsequent year to provide menstrual products free of charge in at least 50 percent of female school bathrooms in certain public schools. The costs would likely be incurred initially by school districts and then reimbursed by the State. Due to the limited availability of information, the OLS is unable to estimate any additional costs associated with providing menstrual products in gender-neutral bathrooms. The OLS estimates that the review and assessment of the implementation of the bill by the Department of Education, in conjunction with the Department of Health, will lead to an indeterminate, and likely marginal, increase in State expenditures.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1221
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JUNE 6, 2022

SUMMARY

Synopsis: Requires school districts to provide feminine hygiene products in certain public schools and requires State to pay costs.

Type of Impact: Annual State expenditure increase.
Annual school district expenditure and revenue increases.

Agencies Affected: Department of Education, local school districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Initial Year</u>	<u>Subsequent Years</u>
State Cost Increase	\$4.7 million - \$13.0 million	\$2.7 million - \$11.0 million
Local Cost Increase	\$4.7 million - \$13.0 million	\$2.7 million - \$11.0 million
Local Revenue Increase	\$4.7 million - \$13.0 million	\$2.7 million – \$11.0 million

- The Office of Legislative Services (OLS) estimates that this bill would lead to a \$4.7 million to \$13.0 million increase in State expenditures in the first full school year following enactment and a \$2.7 million to \$11.0 million increase in State expenditures in each subsequent year. The expenditures would first be incurred by school districts and then reimbursed by the State. The greater costs in the first year reflect the initial purchase of feminine hygiene product dispensers.
- Based on data from the 2020-2021 school year, under the bill, approximately 1,383 schools across the State would be required to provide free feminine hygiene products in all school bathrooms. Total enrollment of students in grades 6 through 12 in these schools approximated 724,800.

BILL DESCRIPTION

This bill requires school districts to ensure that students in schools educating students in grades 6 through 12, or any combination thereof, have direct access to feminine hygiene products in all school bathrooms free of charge. Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State.

FISCAL ANALYSIS***EXECUTIVE BRANCH***

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill would lead to a \$4.7 million to \$13.0 million increase in State expenditures in the first full school year following enactment and a \$2.7 million to \$11.0 million increase in State expenditures in each subsequent year. It is likely that the expenditures related to the provision of feminine hygiene products would first be incurred by school districts and then reimbursed by the State.

The OLS bases its estimate on information adopted by the California Commission on State Mandates as part of the Desert Sands Unified School District's challenge of a similar bill enacted in California. The cost estimate included a detailed breakdown of the costs incurred to comply with the new law. Excluding the labor costs associated with training staff and restocking feminine hygiene product dispensers, California found that the cost per feminine hygiene product was approximately \$0.11 and the cost of installing new feminine hygiene product dispensers was approximately \$2.81 per student in the first year after enactment.

The State of California determined that the range of feminine hygiene products needed per female student in the course of a school year was between 69 and 138 products, based on guidelines from the Food and Drug Administration and Planned Parenthood. Given this information, the cost to the State of supplying feminine hygiene products would be between \$6.52 and \$17.99 per student in the initial year after enactment, and between \$7.59 and \$15.18 per student in each subsequent year.

Based on the data included in the New Jersey School Performance Reports for the 2020-2021 school year, under the bill, approximately 1,383 schools across New Jersey would be required to provide free feminine hygiene products in all school bathrooms. Total enrollment of students in grades 6 through 12 in these schools approximated 724,831. Applying the per-pupil costs calculated above, the OLS estimates that costs would range from \$4.7 million to \$13.0 million in the first year, and from \$2.7 million to \$11.0 million in each subsequent year. The range reflects variability in the proportion of students using products and individual variability in product usage per student.

Section: Education
Analyst: Abigail Chambers
Assistant Research Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 1221 STATE OF NEW JERSEY 220th LEGISLATURE

DATED: DECEMBER 21, 2022

SUMMARY

- Synopsis:** Establishes program in DOE to reimburse school districts for providing menstrual products in certain public schools and requires State to pay costs.
- Type of Impact:** Annual State expenditure increase.
Annual school district expenditure and revenue increases.
- Agencies Affected:** Department of Education, local school districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Initial Year</u>	<u>Subsequent Years</u>
State Cost Increase	\$1.8 million - \$3.5 million	\$1.4 million - \$2.9 million
Local Cost Increase	\$1.8 million - \$3.5 million	\$1.4 million - \$2.9 million
Local Revenue Increase	\$1.8 million - \$3.5 million	\$1.4 million - \$2.9 million

- The Office of Legislative Services (OLS) estimates that this bill would lead to a \$1.8 million to \$3.5 million increase in State expenditures in the first full school year following enactment and a \$1.4 million to \$2.9 million increase in State expenditures in each subsequent year. The expenditures would first be incurred by school districts and then reimbursed by the State. The greater costs in the first year reflect the initial purchase of menstrual product dispensers.
- Based on data from the 2020-2021 school year, under the bill, approximately 1,383 schools across the State would be required to provide free menstrual products in all school bathrooms. Total enrollment of female students in grades six through 12 in these schools approximated 354,497.

BILL DESCRIPTION

This bill requires school districts to ensure that students in schools educating students in grades six through 12, or any combination thereof, have direct access to menstrual products in at least 50 percent of female and gender-neutral school bathrooms free of charge. Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State. The bill also

requires the Department of Education, in conjunction with the Department of Health, to periodically review and assess whether the needs of menstruating students are being met, and, if necessary, make recommendations regarding the expansion of access to menstrual products.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill would lead to a \$1.8 million to \$3.5 million increase in State expenditures in the first full school year following enactment and a \$1.4 million to \$2.9 million increase in State expenditures in each subsequent year. It is likely that the expenditures related to the provision of menstrual products would first be incurred by school districts and then reimbursed by the State.

The OLS bases its estimate on information provided by the Oregon State Legislative Fiscal Office analyzing similar legislation, in which menstrual products were required to be provided in every student bathroom in each public school building. The fiscal impact statement estimated that it would cost \$1,075,000 to purchase 5,000 menstrual product dispensers, and \$4,520,000 annually for maintenance and supplies. According to information available from the Oregon Department of Education, there are approximately 561,000 students enrolled at public schools in Oregon. Consequently, the OLS is able to calculate that each menstrual product dispenser serves approximately 112 students at a cost of \$215 per dispenser, and the cost of maintenance and supplies each year is approximately \$8.06 per student.

Based on the data included in the New Jersey School Performance Reports for the 2020-2021 school year, under the bill, approximately 1,383 schools across New Jersey would be required to provide free menstrual products in at least 50 percent of female school bathrooms. Total female enrollment of students in grades six through 12 in these schools approximated 354,497. Applying the per-pupil costs calculated above, the OLS estimates that costs would range from \$1.8 million to \$3.5 million in the first year, and from \$1.4 million to \$2.9 million in each subsequent year. The range reflects variability in the proportion of female students using products and the number of bathrooms in which menstrual products are made available. Due to the limited availability of information, the OLS is unable to estimate any additional costs associated with providing menstrual products in gender-neutral bathrooms.

The OLS estimates that the review and assessment of the implementation of the bill by the Department of Education, in conjunction with the Department of Health, will lead to an indeterminate, and likely marginal, increase in State expenditures.

Section: Education

*Analyst: Abigail Chambers
Assistant Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

SENATE, No. 1221

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 22, 2023

SUMMARY

- Synopsis:** Establishes program in DOE to reimburse school districts for providing menstrual products in certain public schools and requires State to pay costs.
- Type of Impact:** Annual State expenditure increase.
Annual school district expenditure and revenue increases.
- Agencies Affected:** Department of Education, local school districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Initial Year</u>	<u>Subsequent Years</u>
State Cost Increase	\$1.8 million – \$3.5 million	\$1.4 million - \$2.9 million
Local Cost Increase	\$1.8 million – \$3.5 million	\$1.4 million - \$2.9 million
Local Revenue Increase	\$1.8 million – \$3.5 million	\$1.4 million - \$2.9 million

- The Office of Legislative Services (OLS) estimates that this bill would lead to a \$1.8 million to \$3.5 million increase in State expenditures in the first full school year following enactment and a \$1.4 million to \$2.9 million increase in State expenditures in each subsequent year. The expenditures would first be incurred by school districts and then reimbursed by the State. The greater costs in the first year reflect the initial purchase of menstrual product dispensers.
- Based on data from the 2020-2021 school year, under the bill, approximately 1,383 schools across the State would be required to provide free menstrual products in at least 50 percent of female and gender-neutral school bathrooms, as applicable. Total enrollment of female students in grades six through 12 in these schools approximated 354,497.

BILL DESCRIPTION

This bill requires school districts to ensure that students in schools educating students in grades six through 12, or any combination thereof, have direct access to menstrual products in at least 50

percent of female and gender-neutral school bathrooms free of charge. Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State. The bill also requires the Department of Education, in conjunction with the Department of Health, to periodically review and assess whether the needs of menstruating students are being met, and, if necessary, make recommendations regarding the expansion of access to menstrual products.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill would lead to a \$1.8 million to \$3.5 million increase in State expenditures in the first full school year following enactment and a \$1.4 million to \$2.9 million increase in State expenditures in each subsequent year. It is likely that the expenditures related to the provision of menstrual products would first be incurred by school districts and then reimbursed by the State.

The OLS bases its estimate on information provided by the Oregon State Legislative Fiscal Office analyzing similar legislation, in which menstrual products were required to be provided in every student bathroom in each public school building. The fiscal impact statement estimated that it would cost \$1,075,000 to purchase 5,000 menstrual product dispensers, and \$4,520,000 annually for maintenance and supplies. According to information available from the Oregon Department of Education, there are approximately 561,000 students enrolled at public schools in Oregon. Consequently, the OLS is able to calculate that each menstrual product dispenser serves approximately 112 students at a cost of \$215 per dispenser, and the cost of maintenance and supplies each year is approximately \$8.06 per student.

Based on the data included in the New Jersey School Performance Reports for the 2020-2021 school year, under the bill, approximately 1,383 schools across New Jersey would be required to provide free menstrual products in at least 50 percent of female and gender-neutral school bathrooms. Total female enrollment of students in grades six through 12 in these schools approximated 354,497. Applying the per-pupil costs calculated above, the OLS estimates that costs would range from \$1.8 million to \$3.5 million in the first year, and from \$1.4 million to \$2.9 million in each subsequent year. The range reflects variability in the proportion of female students using products and the number of bathrooms in which menstrual products are made available. Due to the limited availability of information, the OLS is unable to estimate any additional costs associated with providing menstrual products in gender-neutral bathrooms.

The OLS notes that the Department of Education and Department of Health review and assessment of the implementation of the bill would result in an indeterminate increase in State expenditures.

Section: Education

*Analyst: Jessica S. Rueb
Assistant Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 1349

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblywoman **GABRIELA M. MOSQUERA**

District 4 (Camden and Gloucester)

Assemblywoman **CAROL A. MURPHY**

District 7 (Burlington)

Assemblywoman **ANGELA V. MCKNIGHT**

District 31 (Hudson)

Co-Sponsored by:

Assemblymen **Mukherji, Verrelli**, Assemblywomen **Swain, Timberlake, Haider, Reynolds-Jackson, Jaffer and Jasey**

SYNOPSIS

Requires school districts to provide feminine hygiene products in certain public schools and requires State to pay costs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/11/2023)

1 AN ACT concerning the provision of feminine hygiene products in
2 public schools and supplementing chapter 33 of Title 18A of the
3 New Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. As used in this section, “feminine hygiene products”
9 mean tampons and sanitary napkins for use in connection with the
10 menstrual cycle.

11 b. A school district shall ensure that students in each school
12 educating students in grades 6 through 12, or any combination
13 thereof, in which 40 percent or more of its students reside in
14 households with a household income at or below the most recent
15 federal poverty guidelines multiplied by 1.85, have direct access to
16 feminine hygiene products in at least 50 percent of the school
17 bathrooms free of charge.

18 c. Any costs incurred by a school district in providing an
19 adequate supply of feminine hygiene products to meet the needs of
20 its students shall be borne by the State.

21

22 2. This act shall take effect in the first full school year
23 following the date of enactment.

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STATEMENT

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28 This bill requires school districts to ensure that students in
29 schools educating students in grades 6 through 12, or any
30 combination thereof, in which 40 percent or more of their students
31 reside in households with a household income at or below the most
32 recent federal poverty guidelines multiplied by 1.85, have direct
33 access to feminine hygiene products in at least 50 percent of the
34 school bathrooms free of charge. Any costs incurred by a school
35 district in complying with the provisions of this bill will be borne
36 by the State. For purposes of this bill, “feminine hygiene products”
37 mean tampons and sanitary napkins.

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1349

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 11, 2023

The Assembly Women and Children Committee reports favorably Assembly Bill No. 1349 with committee amendments.

As amended by the committee, this bill requires school districts to ensure that students in schools educating students in grades six through 12, or any combination thereof, have direct access to menstrual products in at least 50 percent of female and gender-neutral school bathrooms, if applicable, free of charge. The amended bill requires that the Department of Education, in conjunction with the Department of Health, periodically review and assess whether the provision of free menstrual products meets the needs of menstruating students. If necessary, the department will make recommendations regarding the expansion of access to menstrual products to students in grades below grade six.

Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State. For purposes of this bill, “menstrual products” mean tampons and sanitary napkins for use in connection with the menstrual cycle.

This bill was prefiled for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, Assembly Bill No. 1349 is identical to Senate Bill No. 1221 (2R) which was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to stipulate that menstrual products are to be made available in at least 50 percent of female and gender-neutral bathrooms, if applicable.

The committee amendments require that the Department of Education, in conjunction with the Department of Health, periodically review and assess whether the provision of free menstrual products meets the needs of menstruating students. If necessary, the department will make recommendations regarding the expansion of access to menstrual products to students in grades below grade six.

The committee amended the bill to include a Findings and Declarations section to provide background on how a lack of access to menstrual products in schools affects student absentee rates and overall educational outcomes.

The committee amended the title and synopsis of the bill to reflect the changes made by committee amendment.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1349

STATE OF NEW JERSEY

DATED: JUNE 8, 2023

The Assembly Education committee reports favorably Assembly Bill No. 1349 (1R).

This bill requires school districts to ensure that students in schools educating students in grades six through 12, or any combination thereof, have direct access to menstrual products in at least 50 percent of the total of female and gender-neutral school bathrooms, if applicable, free of charge. The bill requires that the Department of Education, in conjunction with the Department of Health, to periodically review and assess whether the provision of free menstrual products meets the needs of menstruating students. If necessary, the department will make recommendations regarding the expansion of access to menstrual products to students in grades below grade six.

Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State. For purposes of this bill, “menstrual products” mean tampons and sanitary napkins for use in connection with the menstrual cycle.

As reported by the committee, Assembly Bill No. 1349 (1R) is identical to Senate Bill No. 1221 (3R), which was also reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1349

STATE OF NEW JERSEY

DATED: JUNE 22, 2023

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1349 (1R).

This bill requires school districts to ensure that students in schools educating students in grades six through 12, or any combination thereof, have direct access to menstrual products in at least 50 percent of the total of female and gender-neutral school bathrooms, if applicable, free of charge. The bill requires that the Department of Education, in conjunction with the Department of Health, to periodically review and assess whether the provision of free menstrual products meets the needs of menstruating students. If necessary, the department will make recommendations regarding the expansion of access to menstrual products to students in grades below grade six.

Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State. For purposes of this bill, “menstrual products” mean tampons and sanitary napkins for use in connection with the menstrual cycle.

As reported by the committee, Assembly Bill No. 1349 (1R) is identical to Senate Bill No. 1221 (3R), which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill would result in a \$1.8 million to \$3.5 million increase in State expenditures in the first full school year following enactment and a \$1.4 million to \$2.9 million increase in State expenditures in each subsequent year. The expenditures would first be incurred by school districts and then reimbursed by the State. The greater costs in the first year reflect the initial purchase of menstrual product dispensers.

Based on data from the 2020-2021 school year, approximately 1,383 schools across the State would be required to provide free menstrual products in at least 50 percent of female and gender-neutral school bathrooms, as applicable. Total enrollment of female students in grades six through 12 in these schools approximated 354,497.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 1349

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 22, 2023

SUMMARY

- Synopsis:** Establishes program in DOE to reimburse school districts for providing menstrual products in certain public schools and requires State to pay costs.
- Type of Impact:** Annual State expenditure increase.
Annual school district expenditure and revenue increases.
- Agencies Affected:** Department of Education, local school districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Initial Year</u>	<u>Subsequent Years</u>
State Cost Increase	\$1.8 million – \$3.5 million	\$1.4 million - \$2.9 million
Local Cost Increase	\$1.8 million – \$3.5 million	\$1.4 million - \$2.9 million
Local Revenue Increase	\$1.8 million – \$3.5 million	\$1.4 million - \$2.9 million

- The Office of Legislative Services (OLS) estimates that this bill would lead to a \$1.8 million to \$3.5 million increase in State expenditures in the first full school year following enactment and a \$1.4 million to \$2.9 million increase in State expenditures in each subsequent year. The expenditures would first be incurred by school districts and then reimbursed by the State. The greater costs in the first year reflect the initial purchase of menstrual product dispensers.
- Based on data from the 2020-2021 school year, under the bill, approximately 1,383 schools across the State would be required to provide free menstrual products in at least 50 percent of female and gender-neutral school bathrooms, as applicable. Total enrollment of female students in grades six through 12 in these schools approximated 354,497.

BILL DESCRIPTION

This bill requires school districts to ensure that students in schools educating students in grades six through 12, or any combination thereof, have direct access to menstrual products in at least 50

percent of female and gender-neutral school bathrooms free of charge. Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State. The bill also requires the Department of Education, in conjunction with the Department of Health, to periodically review and assess whether the needs of menstruating students are being met, and, if necessary, make recommendations regarding the expansion of access to menstrual products.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill would lead to a \$1.8 million to \$3.5 million increase in State expenditures in the first full school year following enactment and a \$1.4 million to \$2.9 million increase in State expenditures in each subsequent year. It is likely that the expenditures related to the provision of menstrual products would first be incurred by school districts and then reimbursed by the State.

The OLS bases its estimate on information provided by the Oregon State Legislative Fiscal Office analyzing similar legislation, in which menstrual products were required to be provided in every student bathroom in each public school building. The fiscal impact statement estimated that it would cost \$1,075,000 to purchase 5,000 menstrual product dispensers, and \$4,520,000 annually for maintenance and supplies. According to information available from the Oregon Department of Education, there are approximately 561,000 students enrolled at public schools in Oregon. Consequently, the OLS is able to calculate that each menstrual product dispenser serves approximately 112 students at a cost of \$215 per dispenser, and the cost of maintenance and supplies each year is approximately \$8.06 per student.

Based on the data included in the New Jersey School Performance Reports for the 2020-2021 school year, under the bill, approximately 1,383 schools across New Jersey would be required to provide free menstrual products in at least 50 percent of female and gender-neutral school bathrooms. Total female enrollment of students in grades six through 12 in these schools approximated 354,497. Applying the per-pupil costs calculated above, the OLS estimates that costs would range from \$1.8 million to \$3.5 million in the first year, and from \$1.4 million to \$2.9 million in each subsequent year. The range reflects variability in the proportion of female students using products and the number of bathrooms in which menstrual products are made available. Due to the limited availability of information, the OLS is unable to estimate any additional costs associated with providing menstrual products in gender-neutral bathrooms.

The OLS notes that the Department of Education and Department of Health review and assessment of the implementation of the bill would result in an indeterminate increase in State expenditures.

Section: Education

Analyst: Jessica S. Rueb
Assistant Research Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Signs Bill to Provide Access to Free Menstrual Products for Students in Grades Six through Twelve

08/23/2023

TRENTON – Recognizing that access to affordable menstrual products is key to the health and participation of New Jersey students, Governor Phil Murphy today signed a bill (S-1221/A-1349) requiring school districts to provide menstrual products free of charge in every public school teaching students in one or more of grades six through twelve. By working to address ‘period poverty’ through convenient and free access to menstrual hygiene products in our schools, this legislation builds on the Murphy Administration’s ongoing efforts to equitably advance women’s health in New Jersey.

A [study](#) from 2021 found that nearly one in four teenagers throughout the United States struggle to afford menstrual products, especially students of color and those from low-income families. Access to menstrual hygiene products helps students focus on learning and prevents unnecessary infections that can cause chronic reproductive health challenges.

Under the new law, applicable schools will be required to provide menstrual products in at least half of all their female and gender-neutral bathrooms. Any costs incurred by a school district in supplying menstrual products to meet the needs of its students will be borne by the State.

“When students can’t access the menstrual products they need for their reproductive health, the potential stress and stigma too often distracts them from their classes or forces them to skip school entirely – leading to social and academic repercussions that no one should have to face,” **said Governor Murphy**. “My Administration will continue to prioritize the mental and physical health of New Jersey students by taking a holistic approach to supporting their well-being. Promoting menstrual equity in our schools is one crucial component of our ongoing efforts to ensure the success of young people throughout our state and promote equity at every level.”

The legislation also requires the New Jersey Departments of Education, in conjunction with the New Jersey Department of Health, to periodically assess whether the provision of these products is meeting the needs of menstruating students. If deemed necessary, the department can then issue a recommendation regarding the expansion of access to free menstrual products in grades below grade six.

This legislation builds upon the Murphy Administration’s other efforts to promote menstrual health in New Jersey. In 2019, the Administration required menstrual hygiene products provided free of charge to female inmates in the state correctional system. In addition, the Department of Health has created a [website](#) to provide residents with critical information about common menstrual health-related matters.

“Governor Murphy’s visionary initiative to make menstrual products freely available in our middle and high schools is monumental progress towards achieving menstrual equity in our education system,” **said Dr. Angelica Allen-McMillan, Acting Commissioner of Education**. “Menstrual hygiene should never hinder a student’s ability to fully engage and thrive in the classroom. By providing free access to these essential products, we are not only promoting health and well-being but also erasing a potential source of discomfort and stigma. This step underscores our dedication to fostering an environment where all students can focus on their education without the burden of unmet basic needs. It is a stride towards a more equitable and inclusive educational experience.”

“Having supplies for periods or menstrual cycles in our public schools helps to reduce inequities by increasing access to necessary products that may not be readily available to everyone,” **said Acting Health Commissioner Dr. Kaitlan Baston**. “This initiative will not only provide needed support to many school-aged kids with periods, it can also help normal periods, help people overcome potential embarrassment or distress from not having what they need, and can support positive self-esteem. More information on period issues and products can be found at [nj.gov/health/periods](#).”

The bill is sponsored by Senate Majority Leader Teresa Ruiz and Assemblywoman Gabriela Mosquera, as well as Senator Vin Gopal and Assemblywomen Carol Murphy and Angela McKnight.

“A national study found that more than four in five teens have either missed class themselves or know someone who has missed class time because they did not have access to period products,” **said Senate Majority Leader Ruiz**. “Menstrual hygiene products are a necessity, not a luxury. When this becomes an obstacle and decisions are made to not attend school because the loss is greater than just the one day. It is about the stigma young girls face around this natural monthly occurrence. This new policy will help to address period poverty and the stigmas around menstruation head on.”

“Today, New Jersey becomes the twenty-third state in the country to provide menstrual products in schools,” **said Assemblywoman Mosquera**. “Menstrual products are not a luxury, they are a necessity. Providing students with menstrual products is not only the right thing to do, but it is also good public policy that has been proven to lower school absentee rates. I thank Governor Murphy for signing this legislation, which will ensure future generations of New Jersey students have access to proper hygiene products.”

“Too many New Jersey families are put in a position where they have to choose between paying their bills or affording common living expenses such as menstrual hygiene products. With this new law, we are directly addressing persisting gaps in access that have caused New Jersey students to go without essential menstrual hygiene products,” **said Assemblywoman Murphy**. “By making these products available in our schools free of charge, we are putting our young people first.”

“Right now, there are students in our state and across the country who are missing school because they cannot afford menstrual hygiene products. It’s unacceptable and we must do more,” **said Assemblywoman McKnight**. “I am proud to have sponsored this legislation that will put free menstrual products in our schools so all of our students, regardless of their family’s income level, will have access to the resources they need to thrive.”

“I am proud of the work we have accomplished and excited to continue raising awareness around period poverty. No one should be forced to go without feminine hygiene products because they can’t afford them,” **said Assemblywoman Shanique Speight**. “By making it a priority to provide resources for women and girls to rely on, we are giving crucial support to our communities and bridging gaps that prevent New Jerseyans from accessing important menstrual health care.”

“We are thrilled to have passed an inclusive law with gender neutral language that gives all menstruating students, in New Jersey’s best-in-the-nation public education system, access to period products in their school’s bathrooms,” **said Anjali Mehrotra, founder of the Equality, Period. NJ coalition**. “While the ability to access menstrual products primarily affects students in low-income communities, we have heard firsthand accounts of students missing school for lack of access to menstrual products in both low income and affluent districts across the state. We thank both Governor Murphy and our champion, Senate Majority Leader Ruiz for helping ensure that all students will have equal access to education enabling them to reach their full potential, irrespective of gender or family income level.”

“It is critical to education that we de-stigmatize menstruation,” **said Elise Joy, Executive Director/Co-Founder of Girls Helping Girls. Period**. “This law recognizes that, as a society, we have an obligation to meet basic needs for all students, including those who get periods. We are so proud to have worked with lawmakers to craft a bill that is thoughtful, compassionate, and an example for other states.”

“At [Aunt Flow](#) we ask, ‘If toilet paper is offered for free, why aren’t pads and tampons?’ We are thrilled that New Jersey has officially joined the Menstrual Movement, ensuring access to menstrual products across the state,” **said Claire Coder, Founder and CEO of Aunt Flow**. “Aunt Flow is proud to support 750+ schools across the U.S. that stock their bathrooms with Aunt Flow organic cotton period products, and now, we’re ready for New Jersey.”

“As a pioneer in the fight for menstrual equity in New Jersey, the National Council of Jewish Women/Essex County is proud to have been a driving force, and even more proud to have worked side-by-side with our coalition partners, to reach this landmark achievement. Making menstrual products available in NJ schools affords all students equal opportunities to learn and study without shame or stigma or lost chances for education,” **said Laurie Kahn, Vice President of Advocacy at National Council of Jewish Women/Essex County**. “We extend gratitude to the bill’s sponsors, Assemblywomen Mosquera, McKnight and Murphy, and to Senators Ruiz and Gopal, as well as the many, many co-sponsors. And we are thankful for

unanimous support of the full NJ State Legislature, which recognized the urgent need to pass this groundbreaking legislation. Thank you, Governor Murphy for your signature and support today. Now, the real work begins!"

"This legislation stands as a crucial step within New Jersey's continuous and inclusive endeavor to tackle the diverse factors impacting student attendance," said **Lauren Albrecht, Director of Advocacy and Organizing at Garden State Equality**. "We extend our gratitude to Governor Murphy for championing this – recognizing that a significant portion of the population faces challenges due to menstruation, with over half of the menstruating community citing it as a barrier to education and employment, this stride plays a role in bridging these disparities. Garden State Equality takes pride in actively backing the drive to ensure this legislation caters to the needs of all menstruating students, fostering inclusivity and justice."

"As a high school student myself, I could not be more enthused about this bill's passage," said **Rachel Glantzberg, PERIOD's New Jersey Community Organizer**. "The passage of S1221/A1349 will undoubtedly be one step closer to supporting menstruators in NJ schools. But more importantly, it is a step towards lessening the inequities borne by menstrual. It is a step towards equality."