

JAN 20 2023

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# A BILL FOR AN ACT

RELATING TO MENSTRUAL EQUITY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that menstrual products  
2 are necessary every month for approximately half of Hawaii's  
3 population, beginning in the school-aged years, between the ages  
4 of ten through fifteen, or the average of twelve years old.  
5           The legislature further finds that "period poverty", the  
6 term that refers to an inability to access menstrual products,  
7 may negatively impact an individual's health and well-being.  
8 Period poverty is often the result of circumstances, including  
9 but not limited to income constraints, inadequate menstrual  
10 health and hygiene education, cultural or societal shame or  
11 stigma surrounding menstruation, and a lack of running water or  
12 sanitary locations to maintain personal hygiene. Period poverty  
13 disproportionately affects menstruating students, members of  
14 low-income households, persons experiencing homelessness,  
15 individuals who identify as nonbinary or transgender, and  
16 individuals with a history of involvement with the justice  
17 system. The legislature notes that economic challenges have



1 been exacerbated by the coronavirus disease 2019 pandemic,  
2 magnifying menstrual inequity in Hawaii.

3       The legislature additionally finds that half of the  
4 respondents to a statewide survey on menstruation reported  
5 missing school or work because of the respondent's menstruation.  
6 According to the 2021 study of the Hawaii state commission on  
7 the status of women and Mai Movement Hawaii, nearly one in three  
8 respondents reported that the respondent, or someone in the  
9 respondent's household, experienced difficulty obtaining  
10 menstrual products due to cost.

11       Additionally, it has been reported that the inability to  
12 adequately manage menstruation, specifically the lack of access  
13 to menstrual products in schools, limits full participation in  
14 school, contributes to higher rates of school absenteeism and  
15 missed activities, and negatively impacts a student's ability to  
16 learn. The 2021 study of the Hawaii state commission on the  
17 status of women and Mai Movement Hawaii reported that forty-two  
18 per cent of respondents missed class or left school because the  
19 respondents did not have access to menstrual products, and  
20 nearly twenty-two per cent of respondents missed school  
21 entirely. Of those who missed school entirely, nearly twelve



1 per cent missed three to five school days, and six per cent  
2 missed six to ten school days in an academic year.

3 The legislature also finds that chronic absenteeism is one  
4 of the most powerful predictors of student success or failure.  
5 It is a priority for Hawaii public schools, including the  
6 State's higher education system, to minimize or eliminate  
7 chronic absenteeism. Students miss school for many reasons, but  
8 absenteeism due to inadequate menstruation management is  
9 avoidable. In August 2021, Mai Movement Hawaii began conducting  
10 a statewide pilot project and study called the Hoohanohano  
11 initiative. Through the Hoohanohano initiative, Mai Movement  
12 Hawaii distributed menstrual products to students at certain  
13 schools on the islands of Oahu, Hawaii, Maui, and Kauai; tracked  
14 menstrual product usage over time; and conducted pre- and post-  
15 surveys of students and faculty members. Mai Movement Hawaii  
16 noted that both student and faculty survey respondents reported  
17 experiencing or witnessing students missing part of, or the  
18 entire, school day due to challenges with menstruation. Mai  
19 Movement Hawaii found that eight out of ten students have  
20 difficulties accessing menstrual products, indicating  
21 embarrassment, cost, and education as the major barriers. It



1 has been well-studied and proven that the lack of adequate  
2 menstrual products directly and adversely impacts student  
3 health, including medical issues caused by the use of menstrual  
4 products for longer than the recommended duration or the use of  
5 substandard alternatives. The Hoohanohano initiative revealed  
6 that students used unhealthy alternatives like newspapers, old  
7 rags, diapers, folder paper, and leaves when the students did  
8 not have access to menstrual products. This jeopardizes the  
9 safety and health of students and increases the risk of serious  
10 medical issues, including preventable infections that make  
11 students susceptible to cervical cancer; infertility;  
12 reproductive tract infections; and toxic shock syndrome, which  
13 can result in death.

14 The legislature further finds that there is convincing  
15 evidence that free menstrual products have positive impacts on  
16 education. The midyear assessment of the Hoohanohano initiative  
17 revealed reductions in reported barriers to access, missed  
18 classes, and absences. The number of faculty that reported  
19 witnessing students experiencing difficulties accessing  
20 menstrual products dropped from fifty-six per cent to one per  
21 cent. Further, only sixteen per cent of students reported



1 embarrassment as a barrier to access, compared to thirty-three  
2 per cent at the beginning of the year. Additionally, students  
3 reported missing fewer classes, a seven per cent improvement,  
4 and fewer school days, a nine per cent improvement, as a result  
5 of increased access to menstrual products through the  
6 Hoohanohano initiative.

7 More than ten states, including Arkansas, California,  
8 Colorado, Delaware, Georgia, Illinois, Nevada, New Hampshire,  
9 New York, Oregon, Rhode Island, and Washington, have laws or  
10 policies advancing menstrual equity in the states' public school  
11 and higher education systems. The Menstrual Equity Act for All,  
12 introduced earlier this year in the United States Congress,  
13 seeks to comprehensively address period poverty in schools, as  
14 well as menstrual inequity in other spaces. Countries around  
15 the world, including Kenya, New Zealand, and Scotland, have also  
16 adopted laws providing free menstrual products to students.

17 The legislature finds that a basic principle of the  
18 University of Hawaii, expressed in section 304A-101 of the  
19 Hawaii Revised Statutes, is that no person shall be deprived of  
20 the privileges of the university because of sex. The lack of  
21 access to menstrual products is an obvious form of gender-based



1 exclusion. Menstrual products are vital for the physical and  
2 mental health, well-being, and full participation of  
3 menstruating students, including but not limited to women and  
4 transgender, nonbinary, and gender non-conforming individuals.

5 The legislature further finds that national and state data  
6 clearly establish that students who menstruate and cannot afford  
7 menstrual products, or are unable to access these products for  
8 other reasons, face a significant barrier to education that  
9 biologically male students do not experience.

10 The purpose of this Act is to require the University of  
11 Hawaii to uphold educational and gender equity by providing  
12 menstrual products to all students, free of charge, on any  
13 University of Hawaii campus, including the community colleges.

14 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is  
15 amended by adding a new section to part I, subpart A, to be  
16 appropriately designated and to read as follows:

17 "S304A- Menstrual products; availability. (a) The  
18 University of Hawaii shall provide menstrual products free of  
19 charge to all students on any University of Hawaii campus,  
20 including the community colleges.



1        (b) For purposes of this section, "menstrual products"  
2 includes but is not limited to disposable menstrual pads and  
3 tampons."

4        SECTION 3. New statutory material is underscored.

5        SECTION 4. This Act shall take effect on July 1, 2023.

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INTRODUCED BY: 



# S.B. NO. 954

**Report Title:**

Menstrual Equity; Menstrual Products; University of Hawaii

**Description:**

Requires the University of Hawaii to provide menstrual products free of charge to all students on any University of Hawaii campus, including the community colleges.

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