
A BILL FOR AN ACT

RELATING TO MENSTRUAL EQUALITY.

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



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

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



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

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

16 The legislature further finds that the department of
17 education and state public charter school commission are
18 required to maintain a healthy and sanitary school environment.
19 The board of education's policy number E-103 states that
20 "schools play an integral part in promoting quality of life
21 through sound health and wellness practices, which are connected



1 to achievement and learning." Basic hygiene products, including
2 toilet paper, hand soap, and bandages, are already required to
3 be provided free of charge and easily accessible to all
4 students.

5 Furthermore, the necessity of menstrual products was made
6 clear by the board of education, as indicated in policy number
7 1110-10, which states that "gender equity extends the doctrine
8 of fairness to all areas of activity in the public school
9 system." The lack of access to menstrual products is an obvious
10 form of gender-based exclusion. Menstrual products are vital
11 for the physical and mental health, well-being, and full
12 participation of menstruating students, including but not
13 limited to girls and transgender, nonbinary, and gender
14 non-conforming individuals.

15 The legislature further finds that national and state data
16 clearly establish that students who menstruate and cannot afford
17 menstrual products, or are unable to access these products for
18 other reasons, face a significant barrier to education that
19 biologically male students do not experience.

20 The purpose of this Act is to require the department of
21 education to uphold educational and gender equity by providing



1 menstrual products to all students, free of charge, on all
2 public school campuses.

3 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
4 amended by adding a new section to part II, subpart C to be
5 appropriately designated and to read as follows:

6 "§302A- Menstrual products; availability. (a) The
7 department shall provide menstrual products free of charge to
8 all students on all public school campuses.

9 (b) For the purposes of this section:

10 "Menstrual products" includes but is not limited to
11 disposable menstrual pads and tampons.

12 "Public school campuses" includes all department of
13 education schools and all public charter schools."

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act shall take effect on July 1, 2022.



S.B. NO. 2821
S.D. 2
H.D. 1
C.D. 1

Report Title:

Menstrual Equity; Menstrual Products; Department of Education;
Public Schools; Charter Schools

Description:

Requires the Department of Education to provide menstrual
products free of charge to all students on all public school
campuses. (CD1)

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