
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 Hawaii has the
2 highest cost of living in the nation, and since 2010, around
3 forty-two per cent of Hawaii's households have been struggling
4 to get by due to stagnant wages and a rising cost of living.
5 The economic impact of the coronavirus disease 2019 (COVID-19)
6 pandemic further exacerbated the existing financial inequity,
7 and the 2020 Asset Limited, Income Constrained, Employed Report
8 by Aloha United Way now estimates that those struggling to meet
9 basic needs has risen to nearly sixty per cent with an increase
10 in households living in poverty from nine per cent to nineteen
11 per cent. Additionally, according to the United States Labor
12 Department, the consumer price index is rising sharply,
13 signaling rising costs facing Hawaii households and increasing
14 financial distress.

15 The legislature further finds that individuals experiencing
16 basic needs insecurity, such as food and housing, are more
17 likely to be disproportionately affected by "period poverty".



1 This state of menstrual inequity is the inability to access
2 menstrual products and is the result of circumstances including,
3 but not limited to, income constraints, inadequate menstrual
4 health and hygiene education, cultural or societal shame or
5 stigma surrounding menstruation, and a lack of running water or
6 sanitary locations to maintain personal hygiene. Period poverty
7 disproportionately affects menstruating students, members of
8 low-income households, persons experiencing homelessness,
9 individuals who identify as nonbinary or transgender, and the
10 presently or formerly justice-involved. The disproportion is a
11 direct result of socioeconomic, gender, and racial injustices
12 and is a clear violation of human rights. Nearly half of the
13 world menstruates and yet period poverty is becoming a public
14 health, basic equity, education equity, and gender equality
15 issue. Individuals with inadequate access are unable to attend
16 work or school, face discrimination and harassment, and subject
17 themselves to unhygienic practices when they lack the supplies
18 and facilities to manage their menstrual health. Nationally,
19 one in five low-income women report missing work, school, and
20 outings because of a lack of menstrual products according to a
21 study conducted the Alliance for Period Supplies and U by Kotex.



1 Half of respondents to a statewide survey on menstruation in
2 Hawaii reported missing school or work because of their
3 menstruation. Thus, menstrual equity and addressing period
4 poverty is essential for full and equitable participation in our
5 society.

6 The legislature also finds that period poverty is
7 intertwined with other societal issues, and the 2021 survey on
8 menstruation in Hawaii with the Hawaii state commission on the
9 status of women and the nonprofit organization Ma'i Movement
10 Hawaii revealed that the exceptionally high cost of living,
11 generally, and low wages for women, specifically, exacerbated
12 the state of period poverty in Hawaii, with 23.8 per cent of
13 respondents reporting they have made sacrifices or gone with
14 less in order to afford menstrual products. Nearly one in three
15 report that they or someone in their household experienced
16 difficulty obtaining menstrual products, with cost being the
17 most cited reason.

18 The legislature further finds that the economic impact of
19 the pandemic has furthered burdened households with two out of
20 five adults now worried about their ongoing ability to afford
21 menstrual products according to a report released by Always



1 Procter & Gamble. Due to the sales and tax on menstrual
2 products, households with people who menstruate will have to
3 spend more money for basic necessities compared to those who do
4 not menstruate, leaving less money for other needs. Given that
5 the cost of purchasing menstrual products is high, these costs
6 can be unaffordable for households experiencing poverty, which
7 is on the rise in Hawaii.

8 The legislature recognizes the all-encompassing societal
9 challenges inherent in tackling the broader issue of period
10 poverty for the local community. It is particularly concerning
11 that statewide statistics from the department of education show
12 that forty-seven per cent of students in the department of
13 education system were deemed "economically disadvantaged" in
14 2019. As a result, the legislature aims to attend most
15 immediately to the needs of Hawaii students attending all public
16 and charter schools from elementary through high school.

17 Additionally, the legislature finds that the inability to
18 adequately manage menstruation, and specifically the lack of
19 access to menstrual products in schools, limits full
20 participation in school, contributes to higher rates of school
21 absenteeism and missed activities, and perpetuates gender and



1 class inequities. A 2019 nationwide study conducted by the
2 University of Richmond found that students who were unable to
3 afford menstrual products were 5.89 times more likely to miss
4 school, 5.82 times more likely to be late for school, and 4.14
5 times more likely to leave school early compared to those
6 students who could afford menstrual products. The study
7 conducted by Always Procter & Gamble echoes these results with
8 nearly one in five girls in the United States reporting they
9 have either left school early or missed school entirely because
10 they did not have access to period products. The 2021 survey on
11 menstruation in Hawaii also finds that forty-two per cent of
12 respondents in Hawaii missed class or left school because they
13 did not have access to period products, and nearly twenty-two
14 per cent missed school entirely. Of those who missed school
15 entirely, nearly twelve per cent missed three to five school
16 days and six per cent missed six to ten school days in an
17 academic year.

18 Chronic absenteeism is one of the most powerful predictors
19 of student success or failure; thus, it is a priority for Hawaii
20 public schools to minimize or eliminate chronic absenteeism.
21 Students miss school for many reasons, but absenteeism due to



1 inadequate menstruation management is something that can be
2 avoided. The statewide pilot program conducted by Ma'i Movement
3 Hawaii in the 2021-2022 school year in six schools on Oahu,
4 Maui, Kauai, and Hawaii island is finding a high need for access
5 to menstrual products in schools and a correlation between
6 access to products, and absenteeism and education loss.
7 Students and faculty in the pilot program both report
8 experiencing or witnessing students missing part of or the
9 entire school day. Eight out of ten students have difficulties
10 accessing menstrual products. Faculty report that
11 embarrassment, cost, and education are the major barriers for
12 students.

13 A 2016 New York City pilot program found that access to
14 free menstrual products in public schools increased attendance
15 by 2.4 per cent, leading to legislation providing free access to
16 menstrual products for New York City's students and similarly
17 across the nation. New York City's pilot program found that
18 period poverty or menstrual inequity has a direct and negative
19 impact on student absenteeism and educational performance; and
20 providing free access to menstrual products can improve
21 students' educational equity and academic achievement. More



1 than ten states, including Arkansas, California, Colorado,
2 Delaware, Georgia, Illinois, Nevada, New Hampshire, New York,
3 Oregon, Rhode Island, and Washington, have laws or policies
4 advancing menstrual equity in their public school and higher
5 education systems. The Menstrual Equity Act for All, introduced
6 this year in the United States Congress also seeks to address
7 period poverty in schools and menstrual inequity in other spaces
8 from a whole government approach.

9 In addition, countries around the world, such as New
10 Zealand, Scotland, and Kenya, have also adopted laws providing
11 free menstrual products to students. Significantly, the United
12 Nations has declared menstrual hygiene a public-health, gender
13 equality, and human rights issue, and the State of Hawaii
14 supports the United Nations 17 Sustainable Development Goals.
15 While there is no specific goal or indicator directly related to
16 period poverty, the issue is directly linked to health and well-
17 being, quality education, and gender equality. By addressing
18 period poverty in schools, the legislature aims to fulfill these
19 commitments to the United Nations 17 Sustainable Development
20 Goals.



1 The legislature further finds that the department of
2 education and state public charter school commission maintain a
3 healthy and sanitary school environment, which is further
4 supported by the board of education policy number E-103 that
5 states that "schools play an integral part in promoting quality
6 of life through sound health and wellness practices, which are
7 connected to achievement and learning". Basic hygiene products,
8 such as toilet paper, hand soap, and bandaids, are required to
9 be free of charge and easily accessible to all students. Since
10 the COVID-19 pandemic, the department of education has paid
11 greater attention to hygiene products, such as free hand
12 sanitizers, which were made available in all classrooms and
13 throughout campuses. However, the department of education does
14 not provide students with free menstrual products despite those
15 products being a clear public health and hygiene necessity that
16 is connected to achievement and learning. It has been well-
17 studied and proven that the lack of adequate menstrual products
18 has a direct and negative impact on student health, resulting in
19 extended use of products beyond the recommended time or use of
20 alternatives. The statewide pilot program revealed that
21 students used unhealthy alternatives like newspapers, old rags,



1 diapers, folder paper, and leaves when they did not have access
2 to menstrual products. This can lead to potential medical
3 issues including preventable infections that make students
4 susceptible to cervical cancer, infertility, reproductive
5 infections, and toxic shock syndrome, which are serious and can
6 result in death.

7 The statewide pilot program conducted by Ma'i Movement
8 Hawaii, menstrual product usage per estimated menstruating
9 students is being tracked, with various implementation and
10 product distribution models being tested. For example, students
11 and faculty are being surveyed on the impact of free menstrual
12 products made widely available and accessible in numerous
13 locations, such as classrooms, counselors' offices, health
14 rooms, main offices, athletic departments, bathrooms, and even
15 individual stalls. There has been no reported product overuse,
16 waste or damage to bathroom facilities, and few incidents of
17 vandalism. Evidence from this ongoing pilot program will
18 provide the department of education and state public charter
19 school commission with a valuable framework to address period
20 poverty and provide menstrual equity for Hawaii's students.



1 Furthermore, the necessity of menstrual products was made
2 clear by the board of education, through policy number 1110-10,
3 which states that "gender equity extends the doctrine of
4 fairness to all areas of activity in the public school system."
5 The lack of access to menstrual products is a clear form of
6 gender-based exclusion. Menstrual products are vital for the
7 physical and mental health, well-being and full participation of
8 menstruating students, including but not limited to girls,
9 transgender, nonbinary, and gender non-conforming individuals.
10 Additionally, Title IX is a federal law that ensures that no
11 educational opportunity is denied to women on the basis of sex
12 and that women are granted equal opportunity to participate in
13 and contribute to society. Because menstruation is a biological
14 process linked to female sex, educational deprivations connected
15 with inadequate access to menstrual products is a violation of
16 Title IX's intent. The national and state data clearly
17 establishes that students who menstruate and cannot afford
18 menstrual products, or are unable to do so for other reasons,
19 face a significant barrier to their education that biologically
20 male students do not experience.



1 The legislature finds that when Hawaii students who
2 menstruate and their families are forced to pay monthly costs
3 for the necessity of menstrual products, an undue and unfair
4 burden is placed on those families to maintain a healthy and
5 sanitary school environment for everyone, including students who
6 do not menstruate; leads to further economic disadvantages for
7 many of these families; and contributes to absenteeism and
8 educational disadvantages for many of these students. The
9 funding that is allocated by the legislature and expended by
10 department of education and state public charter school
11 commission should be equitably allocated among students who
12 menstruate and those who do not.

13 The purpose of this Act is to:

- 14 (1) Require the department of education and state public
15 charter school commission to uphold educational and
16 gender equity by providing all necessary sanitary and
17 hygiene products to all students, free of charge on
18 all public and charter school campuses;
- 19 (2) Require the department of education and state public
20 charter school commission to provide hygiene products
21 that support public health, such as toilet paper,



1 menstrual products, and hand soap free of charge to
2 all students on all public and charter school
3 campuses; and

4 (3) Provide funding to the department of education and
5 state public charter school commission to carry out
6 the purpose of this Act.

7 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
8 amended by adding a new section to part II to be appropriately
9 designated and to read as follows:

10 "§302A- Menstrual products; availability. The
11 department shall provide hygiene products that support public
12 health, such as toilet paper, menstrual products, and hand soap
13 for free to all students on all public school campuses.

14 For the purposes of this section, "menstrual products"
15 includes disposable menstrual pads and tampons."

16 SECTION 3. Chapter 302D, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§302D- Menstrual products; availability. The
20 commission shall provide hygiene products that support public



1 health, such as toilet paper, menstrual products, and hand soap
2 for free to all students on all public charter school campuses.

3 For the purposes of this section, "menstrual products"
4 includes disposable menstrual pads and tampons."

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2022-2023 for
8 the department of education to provide hygiene products that
9 support public health, such as toilet paper, menstrual products,
10 and hand soap free of charge to all students on all public
11 school campuses.

12 The sum appropriated shall be expended by the department of
13 education for the purposes of this Act.

14 SECTION 5. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so
16 much thereof as may be necessary for fiscal year 2022-2023 for
17 the state public charter school commission to provide hygiene
18 products that support public health, such as toilet paper,
19 menstrual products, and hand soap free of charge to all students
20 on all public charter school campuses.



1 The sum appropriated shall be expended by the state public
2 charter school commission for the purposes of this Act.

3 SECTION 6. New statutory material is underscored.

4 SECTION 7. This Act shall take effect on July 1, 2050.

5



Report Title:

Menstrual Equity; Menstrual Products; Department of Education; Public Schools; State Public Charter School Commission; Charter Schools; Appropriation

Description:

Requires DOE to provide hygiene products that support public health, such as toilet paper, menstrual products, and hand soap free of charge to all students on all public school campuses. Requires the state public charter school commission to provide hygiene products that support public health, such as toilet paper, menstrual products, and hand soap free of charge to all students on all public charter school campuses. Makes appropriations. Effective 7/1/2050. (HD1)

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