

JAN 21 2022

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 ALICE Report by Aloha United Way now estimates that
8 those struggling to meet basic needs has risen to nearly sixty
9 per cent with an increase in households living in poverty from
10 nine per cent to nineteen per cent. Additionally, according to
11 the United States Labor Department, the consumer price index is
12 rising sharply, signaling rising costs facing Hawaii households
13 and increasing financial distress.

14 The legislature further finds that individuals experiencing
15 basic needs insecurity, such as food and housing, are more
16 likely to be disproportionately affected by "period poverty".
17 This state of menstrual inequity is the inability to access



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



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

5 The legislature also finds that period poverty is
6 intertwined with other societal issues, and the 2021 survey on
7 menstruation in Hawaii with the Hawaii state commission on the
8 status of women and the nonprofit organization Ma'i Movement
9 Hawaii revealed that the exceptionally high cost of living,
10 generally, and low wages for women, specifically, exacerbated
11 the state of period poverty in Hawaii with 23.8 per cent of
12 respondents reporting they have made sacrifices or gone with
13 less in order to afford menstrual products. Nearly one in three
14 report they or someone in their household experienced difficulty
15 obtaining menstrual products, with cost being the most cited
16 reason. The economic impact of the pandemic has furthered
17 burdened households with two out of five adults now worried
18 about their ongoing ability to afford menstrual products
19 according to a report released by Always Procter & Gamble. Due
20 to the sales and tax on menstrual products, households with
21 people who menstruate will have to spend more money for basic



1 necessities compared to those without, leaving less money for
2 other needs. Given that the cost of purchasing menstrual
3 products is high, these costs can be unaffordable for households
4 experiencing poverty, which is on the rise in Hawaii.

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

14 Additionally, the legislature finds that the inability to
15 adequately manage menstruation, and specifically the lack of
16 access to menstrual products in schools, limits full
17 participation in school, contributes to higher rates of school
18 absenteeism and missed activities, and perpetuates gender and
19 class inequities. A 2019 nationwide study conducted by the
20 University of Richmond found that students who were unable to
21 afford menstrual products were 5.89 times more likely to miss



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

14 Chronic absenteeism is one of the most powerful predictors
15 of student success or failure; thus, it is a priority for Hawaii
16 public schools to minimize or eliminate chronic absenteeism.
17 Students miss school for many reasons, but absenteeism due to
18 inadequate menstruation management is something that can be
19 avoided. The statewide pilot program conducted by Ma'i Movement
20 Hawaii in the 2021-2022 school year in six schools on Oahu,
21 Maui, Kauai, and Hawaii island finds a high need for access to



1 menstrual products in schools and establishes a correlation
2 between access to products, and absenteeism and education loss.
3 Students and faculty in the pilot both report experiencing or
4 witnessing students missing part of or the entire school day.
5 Eight out of ten students have difficulties accessing menstrual
6 products. Embarrassment, cost, and education are the major
7 barriers for students reported by faculty.

8 A 2016 New York City pilot program found that access to
9 free menstrual products in public schools increased attendance
10 by 2.4 per cent, leading to a package of legislation providing
11 free access to menstrual products for New York City's students
12 and prompted legislation across the nation. This means that
13 period poverty or menstrual inequity has a direct and negative
14 impact on student absenteeism and educational performance; and
15 providing free access to menstrual products can improve
16 students' educational equity and academic achievement. More
17 than ten states, including Arkansas, California, Colorado,
18 Delaware, Georgia, Illinois, Nevada, New Hampshire, New York
19 Oregon, Rhode Island, and Washington, have laws or policies
20 advancing menstrual equity in their public school and higher
21 education systems. The Menstrual Equity Act for All, introduced



1 this year in the U.S. Congress also seeks to address period
2 poverty in schools and menstrual inequity in other spaces from a
3 whole of government approach. Countries around the world, such
4 as New Zealand, Scotland, and Kenya, have also adopted laws
5 providing free menstrual products to students. Significantly,
6 the United Nations has declared menstrual hygiene a public-
7 health, gender equality, and human rights issue, and the State
8 of Hawaii supports the United Nations 17 Sustainable Development
9 Goals. While there is no specific goal or indicator directly
10 related to period poverty, the issue is directly linked to
11 health and well-being, quality education, and gender equality.
12 By addressing period poverty in schools, the legislature aims to
13 fulfill these commitments to the United Nations 17 Sustainable
14 Development Goals.

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



1 products, such as toilet paper, hand soap and bandaids, are
2 required to be free of charge and easily accessible to all
3 students. Since the COVID-19 pandemic, the department of
4 education has paid greater attention to hygiene products, such
5 as free hand sanitizers, which were made available in all
6 classrooms and throughout campuses. However, the department of
7 education does not provide students with free menstrual products
8 despite those products being a clear public health and hygiene
9 necessity that is connected to achievement and learning. It has
10 been well-studied and proven that the lack of adequate menstrual
11 products has a direct and negative impact on student health,
12 resulting in extended use of products beyond the recommended
13 time or use of alternatives. The statewide pilot revealed that
14 students used unhealthy alternatives like newspapers, old rags,
15 diapers, folder paper, and leaves when they did not have access
16 to menstrual products. The safety and health of students is at
17 risk with the potential of medical issues including preventable
18 infections that make students susceptible to cervical cancer,
19 infertility, reproductive tract infections, and toxic shock
20 syndrome, which are serious and can result in death.



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

16 Furthermore, the necessity of menstrual products was made
17 clear by the board of education, as indicated in policy number
18 1110-10, which states that "gender equity extends the doctrine
19 of fairness to all areas of activity in the public school
20 system." The lack of access to menstrual products is a clear
21 form of gender-based exclusion. Menstrual products are vital



1 for the physical and mental health, well-being and full
2 participation of menstruating students, including but not
3 limited to girls, transgender, nonbinary, and gender non-
4 conforming individuals. Additionally, Title IX is a federal law
5 that ensures that no educational opportunity is denied to women
6 on the basis of sex and that women are granted equal opportunity
7 to participate in and contribute to society. Because
8 menstruation is a biological process linked to female sex,
9 educational deprivations connected with inadequate access to
10 menstrual products is a violation of Title IX's intent. The
11 national and state data clearly establishes that students who
12 menstruate and cannot afford menstrual products, or are unable
13 to do so for other reasons, face a significant barrier to their
14 education that biologically male students do not experience.

15 The legislature finds that when Hawaii students who
16 menstruate and their families are forced to pay monthly costs
17 for the necessity of menstrual products, this places an undue
18 and unfair burden on those families to maintain a healthy and
19 sanitary school environment for everyone, including students who
20 do not menstruate; leads to further economic disadvantages for
21 many of these families; and contributes to absenteeism and



1 educational disadvantages for many of these students. The
2 funding that is allocated by the legislature and expended by
3 department of education and state public charter school
4 commission should be equitably allocated among students who
5 menstruate and those who do not.

6 The purpose of this Act is to:

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



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

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

7 "§302A- Menstrual products; availability. The
8 department shall provide hygiene products that support public
9 health, such as toilet paper, menstrual products, and hand soap
10 for free to all students on all public school campuses.

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

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

16 "§302D- Menstrual products; availability. The
17 commission shall provide hygiene products that support public
18 health, such as toilet paper, menstrual products, and hand soap
19 for free to all students on all public charter school campuses.

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



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

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

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

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

19 SECTION 6. New statutory material is underscored.

20



S.B. NO. 2546

1 SECTION 7. This Act shall take effect on July 1, 2022.

2
INTRODUCED BY: Jane Acasio



S.B. NO. 2546

Report Title:

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

Description:

Requires the Department of Education 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.

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