

# SENATE BILL REPORT

## ESHB 1273

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As Passed Senate - Amended, April 10, 2021

**Title:** An act relating to menstrual hygiene products in school and postsecondary institution bathrooms.

**Brief Description:** Concerning menstrual products in schools.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Berg, Caldier, Ramel, Simmons, Taylor, Lovick, Bateman, Senn, Leavitt, Fitzgibbon, Wicks, Berry, Peterson, Goodman, Valdez, Hackney, Thai, Kloba, Frame, Ryu, Bronoske, Macri, Callan, Ormsby, Pollet, Slatter, Harris-Talley and Stonier).

**Brief History:** Passed House: 2/25/21, 91-7.

**Committee Activity:** Early Learning & K-12 Education: 3/15/21, 3/19/21 [DPA-WM, DNP].

Ways & Means: 3/30/21, 4/02/21 [DPA (EDU), DNP].

**Floor Activity:** Passed Senate - Amended: 4/10/21, 43-5.

### Brief Summary of Amended Bill

- Requires school districts, charter schools, state-tribal compact schools, private schools, and institutions of higher education to make menstrual hygiene products available at no cost by the beginning of the 2022-23 school year.
- Specifies that these entities must bear the cost of supplying these products.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier, Hunt, Mullet and Pedersen.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Do not pass.  
Signed by Senator McCune.

**Staff:** Ailey Kato (786-7434)

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended by Committee on Early Learning & K-12 Education.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun, Carlyle, Conway, Darneille, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Lias, Mullet, Muzzall, Pedersen, Rivers, Van De Wege, Wagoner, Warnick and Wellman.

**Minority Report:** Do not pass.

Signed by Senator Honeyford, Assistant Ranking Member, Capital.

**Staff:** Michele Alishahi (786-7433)

**Background:** State law directs the Washington State Board of Health to adopt rules controlling public health related to environmental conditions including light, ventilation, sanitary facilities, and cleanliness in public facilities including schools.

Current rules require adequate, conveniently located toilet and hand-washing facilities for students and employees. At hand-washing facilities, soap and single-service towels must be provided or warm air dryers. Toilet paper must be available, conveniently located adjacent to each toilet fixture. Toilet and hand-washing facilities must be accessible for use during school hours and scheduled events.

State law defines "institutions of higher education" as:

- any public university, college, community college, or technical college operated by the state or any political subdivision; or
- any other university, college, school, or institute in the state offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the council and agrees to comply with certain rules.

**Summary of Amended Bill:** By the beginning of the 2022-23 school year, school districts, charter schools, state-tribal compact schools, and private schools must make menstrual hygiene products available at no cost in all gender-neutral bathrooms and bathrooms designated for female students located in schools serving students in grades 6 through 12.

If a school building serving grades 6 through 12 does not have a gender-neutral bathroom, then the products must also be available in at least one bathroom accessible to male students or in a school health room accessible to all students. For schools that serve students in

grades 3 through 5, schools must make the products available in a school health room or other location as designated by the school principal.

Institutions of higher education must also make these products available.

Menstrual hygiene products must include sanitary napkins, tampons, or similar items.

The educational entities must bear the cost of supplying these products. They may seek grants or partner with nonprofit or community-based organizations to fulfill this obligation.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Engrossed Substitute House Bill (Early Learning & K-12 Education):** *The committee recommended a different version of the bill than what was heard.* PRO: School districts should provide menstrual hygiene products for health, safety, and educational reasons. Education can be impeded when these products are not easily available and free. Many low-income menstruators lack access to these products. Period poverty is often invisible because of the stigma against menstruation. Access to these products is a health care, patriarchal, gender equality, equity, and a resource distribution issue. These products should be provided just like toilet paper and paper towels. No state funding is required in this bill. The bill does not require the highest quality or most expensive products, and there is a sales tax exemption for these products. Providing these products is an important investment. Many local and national organizations are helping support access to these products. A biological fact should not hold back students. Students deserve an equal opportunity to thrive in school, which requires that their basic needs are met.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Representative April Berg, Prime Sponsor; Sophie Derome, Lake Washington High School; Andrea Malagon; Lily Ulrich, Lake Washington High School; Isabel Yu, Washington for Menstrual Equity; Aydan Garland-Miner, PERIOD; Riley Rabuchin, Lake Washington High School; Cordelia Longo; Sam Locke, Associated Students of the University of Washington, Bothell; Hailey Gray, Justice For Girls Coalition of Washington State; Samantha Cruz Mendoza, Associated Students of Washington State University; Agatha Campana Tutia, The Red SEA Collective.

**Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):** No one.

**Staff Summary of Public Testimony on the Bill as Amended by Early Learning & K-12 Education (Ways & Means):** PRO: Today one in four girls between the ages of 13 and 18 do not have access to menstrual products. That is something we can solve. Passing HB 1273 will get us one step closer to menstrual equity. I believe that a student's status as a menstruator should not come in the way of their education. This bill will ensure that all students in Washington have equal access to their learning regardless of their economic situation, a factor that has been exacerbated by the pandemic. Menstruators in our state, especially in low income communities, often face a lack of access to menstrual products. One in five American girls have either left school early or missed an entire school day because they did not have access. Period products are not a luxury. They need to be treated for what they are, a necessity. Washington already provides a sales tax exemption for feminine hygiene products. Additionally, there are non-profit and community organizations that will donate products to school districts. Retailers are willing to provide discounts to those who purchase items in bulk. Costs should not be a reason to oppose the bill. The fiscal note includes costs for metal dispensers. These are not actually required by the bill. Plastic bins and other cheaper methods are acceptable. Without metal dispensers, the overall costs would decrease.

**Persons Testifying (Ways & Means):** PRO: Aydan Garland-Miner, PERIOD; Kavya Arumilli; Andrea Malagon, The Pad Project; Nelly Mex Canul; Jinyang Zhang, Washington for Menstrual Equity; Cordelia Longo.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.