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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>HB21/aHEC</u>	Sponsor	<u>Romero, Andrea/Garratt</u>
Tracking Number	<u>.211930.1</u>	Committee Referrals	<u>HEC/HAFC</u>
Short Title	<u>Free Female Sanitary Products in Schools</u>		
Analyst	<u>Terrazas</u>	Original Date	<u>2/13/19</u>
		Last Updated	<u>2/21/19</u>

BILL SUMMARY

Synopsis of HEC Amendment

The House Education Committee Amendment to HB21 (HB21/aHEC) reduces the appropriation to the Public Education Department (PED) for the purchase and distribution of feminine hygiene products from \$3,989,649 to \$1,050,703, reducing the overall appropriation from \$4,412,158 to \$1,473,212.

Synopsis of Original Bill

House Bill 21 (HB21) would appropriate \$4,412,158 to the Public Education Department (PED) to purchase, install, and stock female sanitary product dispensers in all public elementary, middle, junior high, secondary, and high school restrooms to provide free female sanitary products, defined in the bill as sanitary pads or tampons.

FISCAL IMPACT

HB21/aHEC appropriates \$1,473,212 from the general fund to the PED for expenditure in FY20. Any unexpended or unencumbered balance remaining at the end of FY20 shall revert to the general fund. PED would be required to use \$422,509 of the appropriation for the purchase and installation of feminine hygiene product dispensers and \$1,050,703 for the purchase and distribution of feminine hygiene products.

SUBSTANTIVE ISSUES

LESL staff estimates the cost to implement the bill's provisions in FY20 would be between \$1,260,640 and \$1,473,212 (see Table 1). It is unclear who would be expected to pay the recurring cost of maintaining, repairing, or stocking the dispensers in the following fiscal years.

Table 1: Estimated Cost of Purchasing, Installing, and Stocking Feminine Hygiene Product Dispensers in All Public Schools in FY20

Cost of Feminine Hygiene Product Dispensers		Number of Dispensers	Estimated Cost of Sanitary Products	Estimated Total Low-End Cost	Estimated Total High-End Cost
Low-End	High-End				
\$223.10	\$449.00	941 ¹	\$1,050,703 ²	\$1,260,640	\$1,473,212

¹ Out of 791 total public schools, the calculation supposes 150 high schools would have two dispensers installed.

² The calculation is based on an estimated 88,443 sixth- through 12th-grade female students using 54 sanitary products a year (two pads a day, three days a week, nine months of the school year) with an average cost of 22 cents per sanitary product.

While some girls get their first menstruation as early as age eight, the national average age is between 12 and 13, or between seventh and eighth grade. Although some girls may be prepared, periods can happen unexpectedly and cause pain and discomfort. According to research from Always, a brand of feminine hygiene products, one in five girls in the country have left school early or missed days entirely because of a lack of access to menstrual products during their periods.

Schools have tried to address this issue in a variety of ways. At least one school district in New Mexico installed female sanitary product dispensers in its schools in the past, but decided to remove them after the dispensers were vandalized. A number of school districts have instead opted for providing free sanitary products through the school nurse’s office. A few states have passed laws that require public schools to provide feminine hygiene products to students for free. In New York and Illinois, all public schools with students in sixth through 12th grade are required to have tampon and pad dispensers in bathrooms. In California, public schools with students in sixth through 12th grade, and where at least 40 percent of students meet the federal poverty threshold, are required to stock half their campus restrooms with free feminine hygiene products.

Research from Feeding America, a nationwide network of food banks, shows low-income families were more commonly unable to purchase feminine hygiene products than families with higher incomes, and some respondents reported skipping or delaying rent payments to buy basic necessities like tampons and pads. Further, feminine care products are excluded from tax-exempt categories in 37 states, including New Mexico.

ADMINISTRATIVE IMPLICATIONS

HB21/aHEC would require PED to purchase and install feminine hygiene product dispensers in all public schools statewide. PED indicates it would need to develop a process for awarding and allocating the funds. Following the award, PED staff would need to dedicate time to review and approve budget adjustment requests as well as requests for reimbursements submitted by schools.

ALTERNATIVES

The sponsors of the bill may wish to consider appropriating funds for the sole purchase of female sanitary products to be distributed to students by school nurses.

RELATED BILLS

Relates to HB 119 and HB179, Feminine Hygiene Product Gross Receipts, which add a new deduction from gross receipts tax and government receipts tax for receipts from the sale of feminine hygiene products.

SOURCES OF INFORMATION

- LESC Files
- Public Education Department (PED)

DT/mc/mhg