

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**TO:** All Councilmembers

**FROM:** Chairman Phil Mendelson  
Committee of the Whole

**DATE:** December 7, 2021

**SUBJECT:** Report on Bill 24-158, "Expanding Student Access to Period Products Act of 2021"

The Committee of the Whole, to which Bill 24-158, "Expanding Student Access to Period Products Act of 2021" was referred, reports favorably thereon with technical amendments, and recommends approval by the Council.

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**I. BACKGROUND AND NEED**

On September 11, 2020, Bill 23-887, the "Expanding Student Access to Period Products Act of 2020" was introduced by Councilmember Brooke Pinto and former Councilmember David Grosso. On March 24, 2021, a revised and expanded version of Bill 23-887 was re-introduced by Councilmember Pinto, together with Councilmembers Bonds, Silverman, Henderson, Nadeau, Cheh, Lewis George, and Gray. As re-introduced, Bill 24-158 requires the provision of free period products in District public, public charter, and private schools and post-secondary institutions. The legislation also requires that the District of Columbia's Office of the State Superintendent of Education (OSSE) develop and implement comprehensive menstrual health education standards.

Period poverty is often discussed as a challenge for women in developing countries -- approximately 500 million women and girls lack access to menstrual hygiene products -- but it also impacts millions of women, girls, and transgender men in the United States. Nearly 1 in 5 American girls have missed school because of a lack of access to period products. While there is a lack of research on the impacts of period poverty on students in Washington, DC, experts have found that period poverty is closely aligned with food insecurity, which would suggest that roughly 10.6% of District

residents experience period poverty. Data also shows that expanding students' access to period products reduces school absences.

During a public hearing on the "Expanding Student Access to Period Products Act of 2020", many students testified that menstrual education is lacking in DC schools. A review of OSSE's health education standards found that menstrual education is limited and only begins in grade 9, after most girls have already started their period.

The "Expanding Student Access to Period Products Act of 2021," Bill 24-158 would require DC public, public charter, and private schools to provide free period products in all women's and gender-neutral bathrooms in middle and high schools, and in at least one women's and gender-neutral bathroom in elementary schools. If a school does not have a gender-neutral bathroom, it would be required to provide free period products in at least one men's bathroom. The bill would also require the Office of the State Superintendent of Education (OSSE) to develop a poster with medically accurate information on the safe use and disposal of period products, which schools would be required to post near the period products dispenser. UDC and private post-secondary institutions are also required to provide free period products in all women's and gender-neutral bathrooms. Lastly, the measure would require OSSE to develop and implement comprehensive health education standards on menstruation designed for all students in DCPS and DCPCS schools, beginning in grade 4 and regardless of gender.

In a statement on March 24, 2021, Councilmember Pinto stated that "the lack of accessible period products adversely impacts women, girls, and transgender men's ability to receive an education, care for their reproductive health, and participate more broadly in society. This bill is a long-overdue step towards correcting these injustices. One day, I hope we can overcome the stigma surrounding menstruation and period products will be treated the same as toilet paper – a product everyone agrees is a basic necessity. I am honored to have introduced this bill with support of all of the women serving on the Council."

The Committee has made minor technical amendments to the Bill and recommends Council adoption of the Committee print for Bill 24-158.

## II. LEGISLATIVE CHRONOLOGY

|                    |  |
|--------------------|--|
| September 11, 2020 | Bill 23-887, the "Expanding Student Access to Period Products Act of 2020" is introduced by Councilmembers Grosso and Pinto. |
| September 18, 2020 | Notice of Intent to Act on Bill 23-887 is published in the <i>Register</i> .   |
| September 22, 2020 | Bill 23-887 is referred to the Committee of Education and the Committee of the Whole.  |
| November 6, 2020   | Notice of Public Hearing on Bill 23-887 is published in the <i>Register</i> .  |
| November 24, 2020  | A Public Hearing is held on Bill 23-887 by the Committee on Education and the Committee of the Whole.                        |

|                  |  |
|------------------|--|
| March 24, 2021   | Bill 24-158, the “Expanding Student Access to Period Products Act of 2021” is introduced by Councilmembers Pinto, Cheh, Henderson, Lewis George, Nadeau, Silverman, Bonds, and Gray. |
| April 2, 2021    | Notice of Intent to Act on Bill 24-158 is published in the <i>Register</i> .   |
| April 6, 2021    | Bill 24-158 is officially “read” at a legislative meeting and referred to the Committee of the Whole.  |
| December 7, 2021 | Bill 24-158 is marked up by the Committee of the Whole.  |

### III. POSITION OF THE EXECUTIVE

Dr. Lewis Ferebee, Chancellor of the District of Columbia Public Schools, testified on behalf of the Executive in support of the intent of Bill 24-158, “Expanding Student Access to Period Products Act of 2021” (formerly Bill 23-887) with concern about the cost of implementation. His testimony is summarized below.

### IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The committee received no comments from Advisory Neighborhood Commissions on Bill 24-158.

### V. SUMMARY OF TESTIMONY

The Committee of the Whole held a joint public hearing on Bill 23-887 on November 24, 2020. The testimony summarized below is from that hearing.

**Dr. Lewis Ferebee, Government Witness** testified in support of the “Expanding Student Access to Period Products Act of 2020” and efforts that empower students. The Chancellor testified that he agrees that providing easily accessible period products removes barriers to learning for menstruating students. He also noted that the cost of this must be included in the budget.

**Maura Blaeuer, Public Witness** testified in support of the “Expanding Student Access to Period Products Act of 2020”. She testified that this was an important way to promote equity and school attendance for girls.

The Committee received no comments in opposition to Bill 24-158 or its predecessor, Bill 23-887.

### VI. IMPACT ON EXISTING LAW

Bill 24-158 has no impact on existing law. It is a new requirement.

## **VII. FISCAL IMPACT**

Bill 24-158 is fully funded in the FY22 Budget and Financial Plan. The December 14, 2021 Fiscal Impact Statement (FIS) for Bill 24-158 states that funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill. The FY 2022 budget includes \$1.64 million and \$4.58 million over the financial plan to implement the bill.

## **VIII. SECTION-BY-SECTION ANALYSIS**

|                  |  |
|------------------|--|
| <u>Section 1</u> | States the short title of Bill 24-158.   |
| <u>Section 2</u> | Definitions  |
| <u>Section 3</u> | Provides instruction for the provision of period products in DCPS schools  |
| <u>Section 4</u> | Requires OSSE to develop and implement health education standards on menstrual education designed for all students |
| <u>Section 5</u> | Fiscal Impact Statement  |
| <u>Section 6</u> | Establishes the effective date by stating the standard 30-day Congressional review language.                       |

## **IX. COMMITTEE ACTION**

On December 7, 2021, the Committee met to consider Bill 24-158, the “Expanding Access to Period Products Amendment Act of 2021.” The meeting was called to order at 12:32 p.m. and Bill 24-158 was item III-G on the agenda. Chairman Mendelson moved the print and report together with leave for staff to make technical and conforming, and editorial changes. After an opportunity for discussion, the vote on the print was approved unanimously (Chairman Mendelson and Councilmembers Allen, Bonds, Cheh, Henderson, Lewis George, McDuffie, Nadeau, Pinto, Silverman, R. White, and T. White voting aye; Councilmember Gray absent). The meeting adjourned at 3:25 p.m.

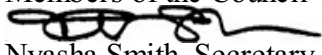
## **X. ATTACHMENTS**

1. Bill 24-158 as introduced
2. Written Testimony and Letters
3. Racial Equity Impact Assessment
4. Fiscal Impact Statement for Bill 24-158
5. Legal Sufficiency Determination for Bill 24-158
6. Committee Print for Bill 24-158

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**1350 Pennsylvania Avenue, N.W.**  
**Washington D.C. 20004**

Memorandum

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To : Members of the Council  
From :  Nyasha Smith, Secretary to the Council  
Date : Wednesday, April 7, 2021  
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Wednesday, March 24, 2021. Copies are available in Room 10, the Legislative Services Division.

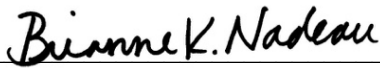
TITLE: "Expanding Student Access to Period Products Act of 2021", B24-0158

INTRODUCED BY: Councilmembers Pinto, Cheh, Henderson, Lewis George, Nadeau, Silverman, Bonds, and Gray

CO-SPONSORED BY: Councilmember Allen

The Chairman is referring this legislation to Committee of the Whole.

Attachment  
cc: General Counsel  
Budget Director  
Legislative Services



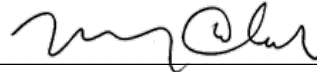
Councilmember Brianne K. Nadeau



Councilmember Brooke Pinto



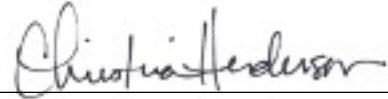
Councilmember Elissa Silverman



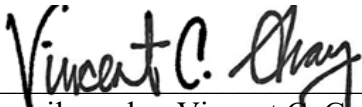
Councilmember Mary M. Cheh



Councilmember Anita Bonds



Councilmember Christina Henderson



Councilmember Vincent C. Gray



Councilmember Janeese Lewis George

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require District of Columbia local education agencies, private schools, the University of the District of Columbia, private universities and colleges, and vocational schools to install and maintain dispensers or similar receptacles of free-for-use period products in women's and gender-neutral bathrooms and to require the Office of the State Superintendent of Education to develop and implement health education standards on menstrual education designed for all students in District of Columbia Public Schools and District of Columbia Charter Schools, beginning in grade 4 and regardless of gender.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Expanding Student Access to Period Products Act of 2021".

Sec. 2. Definitions.

(a) "Local education agency" or "LEA" means the District of Columbia Public Schools ("DCPS") system, an individual public charter school, or a group of public charter schools

operating under a single charter.

(b) “Period products” means a tampon, a sanitary pad, or liner.

### Sec. 3. Provision of period products.

(a)(1) Local education agencies and private schools shall install at least one dispenser or similar receptacle of period products in:

(A) Each women’s and gender-neutral bathroom in every middle school and high school; and

(B) One women’s and gender-neutral bathroom in every elementary school.

(2) If a school building does not have a gender-neutral bathroom, then the products shall also be available in at least one men’s bathroom.

(3) LEAs and private schools shall stock every dispenser or similar receptacle with sufficient period products to serve the needs of LEA and private school students throughout the academic year and any period of summer programming offered on its campus.

(b) The University of the District of Columbia (“UDC”), private universities and colleges, and vocational schools shall:

(1) Install at least one dispenser or similar receptacle for period products in every women’s and gender-neutral bathroom.

(2) Stock every dispenser or similar receptacle with sufficient period products to serve the needs of students at all times throughout the calendar year.

(c) Period products shall be free of cost.

(d) In consultation with the District of Columbia Department of Health, the Office of the State Superintendent of Education (“OSSE”) shall develop an 8.5” x 11” sign that includes

medically accurate information on the safe use and disposal of menstrual products. The sign shall be:

(1) Placed near each dispenser or similar receptacle.

(2) Made available for downloading in PDF format on the OSSE website.

(e) Each LEA, private school, the UDC, private college and university, and vocational school shall install the dispensers or similar receptacles required by this act within one year of the effective date of this act.

#### Sec. 4. Education on menstruation.

(a) In consultation with the State Board of Education, OSSE shall develop and implement health education standards on menstrual education designed for all students in DCPS and District of Columbia Charter Schools, beginning in grade 4 and regardless of gender.

(1) The overarching vision of the health education standards shall be to ensure that students in the District of Columbia schools shall have the information, support, and enabling school environment for managing menstruation with dignity, safety, and comfort.

(2) The health education standards shall include information on the menstrual cycle, premenstrual syndrome and pain management, menstrual hygiene management, menstrual disorders, menstrual irregularities, menopause, and other relevant topics relating to the menstrual cycle.

(b) OSSE shall implement the health education standards within one year of the effective date of this act.

#### Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975,



63 approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).


64 Sec. 6. Effective date.

65 This act shall take effect following approval by the Mayor (or in the event of veto by the  
66 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
67 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
68 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
69 Columbia Register.



## **BILL 24-0158**

# **RACIAL EQUITY IMPACT ASSESSMENT EXPANDING STUDENT ACCESS TO PERIOD PRODUCTS ACT OF 2021**

**TO:** The Honorable Phil Mendelson, Chairman, Council of the District of Columbia  
**FROM:** Brian McClure, Director, Council Office of Racial Equity  
**DATE:** December 6, 2021 

## **COMMITTEE**

Committee of the Whole

## **BILL SUMMARY**

Bill 24-0158 would require most secondary and post secondary schools in the District of Columbia to provide access to free period products.

## **CONCLUSION**

Bill 24-0158 will likely improve outcomes for Black and Hispanic residents in the District of Columbia.

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**Content Warning:** The document you are about to read is a Racial Equity Impact Assessment, which is a careful and organized examination of how Bill 24-0158 will likely affect different racial and ethnic groups in the District of Columbia. Our intent is to spark a conversation that is brave, empathetic, thoughtful, and open-minded.

The content will touch on poverty, sex education, menstrual health, and reproductive health, which may trigger a strong emotional response. We encourage you to use this knowledge in the way that is most helpful to you.

## **BACKGROUND**

- **Nationwide, roughly 500 million menstruating persons around the world lack access to period products.<sup>1</sup>**
- **Bill 24-0158 seeks to increase student access to free and readily available period products within DC Public Schools (DCPS), DC Public Charter Schools (DCPCS), and post secondary schools (meaning colleges and universities) in the District.**
- **Financial costs, physical accessibility to period products, and Federal regulations all contribute to barriers to equitable access to period products.**

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<sup>1</sup> This REIA uses the phrase “menstruating persons”, “persons” or “individuals” to include trans and nonbinary people who do not identify as women or girls but also lack access to period products. Also see Angie Lourgou, “[Tampons in men’s restrooms? Activists, schools and businesses are serving the menstrual needs of those who don’t identify as women.](#)” The Chicago Tribune, November 12, 2019.

Bill 24-0158 seeks to improve District residents' access to period products.<sup>2</sup>

If passed, the bill would:

1. Require all District of Columbia Public Schools (DCPS), DC Public Charter Schools (DCPCS), the University of the District of Columbia, and private post secondary schools in the District to provide free period products in all women's and gender neutral bathrooms; and
2. Require the Office of the State Superintendent of Education (OSSE) to design and implement comprehensive health education standards on menstruation for all students in DCPS and DCPCS. The course would be made available to students starting with the fourth grade, regardless of gender.<sup>3</sup>

### **Barriers to Access**

Nationwide, menstruating persons across age groups and social backgrounds experience challenges in accessing period products. Roughly 500 million persons around the world lack access to period products.<sup>4</sup> The lack of access to period products takes several forms such as limited financial means to purchase period products, lack of direct physical access to period products, or even the lack of menstrual hygiene education. Although the District has taken some steps to remove barriers to access such as removing the sales tax on period products, many public places such as schools, public restrooms, and libraries do not adequately provide free access to period products.<sup>5</sup>

In the US, persons affected by poverty are more likely to experience barriers in having access to and purchasing period products. Persons affected by poverty, however, are less likely to have received menstrual hygiene education than those not experiencing poverty.

One study found that of women with lower incomes living in major US cities, nearly half have had to choose between buying food and spending money on menstrual products. That study also found that one in five teens have struggled to afford period products or were not able to purchase them at all.<sup>6</sup>

### **Discussion on the financial costs**

According to the Pew Charitable Trusts, costs for period products depends on the individual and a number of other factors which may depend on the required brand of an item or the heaviness of an individual's menstrual cycle.<sup>7</sup>

According to the market research firm Euromonitor International, the typical individual between the ages of twelve and fifty four spends over sixty one dollars on period products every month.<sup>8</sup> These costs may include the cost of hygiene products ranging from tampons, to panty liners, pads, menstrual cups and disks,

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<sup>2</sup> Bill 24-0158 defines period products to mean a tampon, sanitary pad, or a liner. Bill 24-0158, the Student Access to Period Products Act of 2021 revises and expands on [Bill 23-0887](#), the Expanding Student Access to Period Products Act of 2020.

<sup>3</sup> The bill would also require period products be made available for free in at least one men's bathroom in the event a school does not have a gender neutral bathroom.

<sup>4</sup> Euromonitor International, "[World Market for Disposable Hygiene](#)", June 2021.

<sup>5</sup> See Section [47-2005 of the District of Columbia Official Code](#).

<sup>6</sup> [State of the Period 2021 Report](#).

<sup>7</sup> Aallyah Wright, "[Lawmakers Tackle 'Period Poverty' With Tax Cuts, School Supplies](#)", July 12, 2021, Pew.

<sup>8</sup> See Committee Report for [Bill 21-0696](#). Note – this dollar amount is based on all period products not just on pads or tampons.

period care and medications, painkillers, and heating pads. Some individuals may have other related expenses such as cost of laundry or birth control depending on their personal circumstances.

A separate study surveyed two thousand women between the ages of eighteen and fifty five. That survey reported the average person spent anywhere between ten dollars and thirteen dollars a month on actual pads or tampons.<sup>9</sup>

That report also noted that although how much an individual may spend on a given month on period products may vary widely, sixty percent of respondents acknowledged the need to budget in order to afford period products and seventy nine percent noted how they have made sacrifices or gone with less in order to afford certain necessities.<sup>10</sup>

Experts cannot quantify the extent of period poverty in the United States because research on menstrual health is limited. However, a 2019 study published in *Obstetrics and Gynecology* found nearly 64% of surveyed low-income women in St. Louis, Missouri, could not afford menstrual hygiene supplies during the previous year.<sup>11</sup>

About forty six percent of the women could not afford to pay for food and menstrual products, and twenty one percent were unable to afford products on a monthly basis. One-third of them used cloth, rags, tissues or toilet paper. The study also found that others used children's diapers or paper towels because they didn't have pads or tampons.

The St. Louis study also shed light on how a number of menstruating persons reported having been in need of a menstrual product when they did not have one and could not get immediate access to one. The report also revealed the locations where respondents felt the need for products to be made available and be made available for free, these locations included high schools, colleges and universities, and middle schools.<sup>12</sup>

While costs may be an important contributor to the lack of access of period products, other factors such as accessibility and Federal regulations create additional barriers. For example, during the hearing a number of witnesses, specifically students attending Wilson High School, testified of inferior pads or tampons made available only in the nurse's office. These students also spoke to the challenges of having to wait to access those products while other students may be being seen by a nurse, issues if the nurse is out, and even spoke to the shame associated with having to hide products after having received them from the nurse's office.<sup>13</sup>

Federal government assistance programs designed to provide social and financial assistance to families prevents those same families from using that assistance to purchase period products. This means that programs such as Temporary Assistance for Needy Families, the Supplemental Nutrition Assistance Program (SNAP) and the Women, Infants, and Children program (WIC) cannot use those same benefits while shopping to purchase period products.<sup>14</sup> In the District, over nine thousand adults and children receive

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<sup>9</sup> SWNS Digital, [“New research reveals how much the average woman spends per month on menstrual products”](#), September 6, 2021.

<sup>10</sup> Ibid.

<sup>11</sup> Anne Sebert Kuhlmann, Eleanor Peters Bergquist, Djenie Danjoint, and Lewis Wall, [“Unmet Menstrual Hygiene Needs Among Low Income Women.”](#) *Obstetrics + Gynecology*, February 2019.

<sup>12</sup> Ibid.

<sup>13</sup> See the public hearing record from [Bill 23-0887](#) held on November 24, 2020.

<sup>14</sup> ACLU, [“The Unequal Price of Periods: Menstrual Equity in the United States.”](#)

TANF, over forty seven thousand receive SNAP benefits, and over twenty three percent of children live below the poverty line (meaning an individual has a family or household income less than \$12,880)<sup>15</sup>

## **Outcomes of Low Access to Menstrual Products in DC**

The inability to access period products and to have timely access can have serious and lasting effects. Recent scholarship on menstrual health has painted a more comprehensive picture to the social costs the lack of access to period products can have.<sup>16</sup>

### **Impacted Physical + Mental Health**

The inability to afford clean sanitary products can affect an individual's physical and mental health. A study published in January in *BMC Women's Health* found that 68% of college students who reported experiencing period poverty monthly also reported moderate or severe depression.<sup>17</sup>

Research is also beginning to emerge highlighting disparities in menstrual health outcomes, particularly for women of color and women with lower incomes. Without access to period products and menstrual education, scholarship is beginning to show that Black women are at higher risk of developing disorders such as endometriosis, ovarian cancer, and polycystic ovary syndrome (PCOS).<sup>18</sup>

PCOS is a type of hormone disorder that affects roughly eight to thirteen percent of women worldwide. However, PCOS affects women of color more frequently and severely than white women.<sup>19</sup> However, some reports show that up to seventy five percent of women never receive an official diagnosis. Research attributes the disparities in diagnoses and treatment to racial bias and how Black women are often perceived and treated by doctors in medical settings, the lack of available research, and because PCOS is misunderstood and often mismanaged by medical professionals.<sup>20</sup>

### **Impact on Educational Outcomes**

This bill aims to increase student access to free and readily available period products within DCPS, DCPCS, and post secondary schools in the District. Unfortunately, data on access to period products in DC is not readily available. In DCPS, we do know that over sixty percent of students identify as Black and over twenty percent identify as Hispanic and that seventy four percent of all DCPS students are economically disadvantaged. Still, while it is likely that Black and Hispanic students would be the primary beneficiaries of Bill 24-0158, we cannot definitively conclude what the impact would be without more definitive and disaggregated data.

Nationally, we do know that—over eighty percent of young girls in secondary school, say they missed school or know someone else who has missed school due to not having the necessary period products. According

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<sup>15</sup> ASPE HHS [Poverty guidelines](#). In the District poverty has been exacerbated due to COVID-19.

<sup>16</sup> For more detailed examples, see [Pandia Health](#).

<sup>17</sup> Lauren Cardoso, Anna Scolese, Alzahra Hamidaddin, and Jhumka Gupta, "[Period poverty and mental health implications among college-aged women in the United States](#)," 2021.

<sup>18</sup> See CE Pilver, S. Kasl, R. Desai, and BR Levy, "[Health advantage for Black women: patterns in pre-menstrual dysphoric disorder](#)" November 2010; Maisha Johnson, "[I'm Black. I have Endometriosis—and Here's Why Race Matters](#)", July 2019; and George Shade, Mieke Lane and Michael Diamond, "[Endometriosis in the African American woman—racially, a different entity?](#)" *Gynecological Surgery*, June 2011.

<sup>19</sup> Lisa Marie Basile, "Why PCOS Affects Women of Color Differently." [Endocrine web](#).

<sup>20</sup> Vanessa Hay, "[Made to feel invisible with an invisible illness: PCOS and Women of Color](#)", *Medical News Today*.

to a 2020 report entitled, “Changing the Cycle: Period Poverty as a Public Health Crisis,” one in five girls miss school due to not having access to period products.<sup>21</sup>

Another report noted that students of color and students of color with lower incomes reported having experienced difficulties accessing period products.<sup>22</sup> The report noted that students of color had to “choose between buying period products and food or clothing.” It also added that “Almost half of Black and Latinx students feel they are not able to do their best school work because of lack of access to period products, compared to just twenty eight percent among white students.”<sup>23</sup>

*The State of the Period Report 2021* illustrated other concerns students may face around access and use of period products including the point that, “Fifty one percent of students have worn period products for longer than recommended; seventy percent of respondents felt their school environment made them self conscious about their period; sixty five percent of students do not want to be at school when they have their periods; and that thirty eight percent of students were unable to or did not do their best work due to their lack of access to period products.”<sup>24</sup>

## **RACIAL EQUITY IMPACTS**

**Providing free access to period products is likely to help Black and Brown residents in the District of Columbia attending secondary and post secondary schools.**<sup>25</sup> The lack of timely and readily available access to free period products can create a web of negative outcomes that affect mental and physical health; and social and economic wellbeing many of which, disproportionately affect women of color and women of color with low incomes.

This was echoed by Jennifer Weiss-Wolf, Vice President for Development and Women and Democracy Fellow at the Brennan Center for Justice and the Co-Founder of Period Equity, who noted, “Period poverty cuts across myriad inequities—gender and race; access to health care, housing, and education; and [is] embedded in our criminal justice and immigration system.”<sup>26</sup>

**Notably, there is insufficient data available related to the availability of period products across secondary and post secondary schools in the District.** Without this data, it is difficult to pinpoint the severity of the problem or to conclude how widespread disparities may be. Although Black residents in the District disproportionately fall under the poverty line, the Council Office of Racial Equity cannot definitively conclude or assume that this means those same individuals cannot afford period products or that they do not have access to those products. This is also in part because, DCPS and DCPCS does not appear to collect, track, and assess data related to the availability of period products across campuses.

**Positively, this bill has the potential to improve access to period products for the District’s first generation college students, and for students attending the University of the District of Columbia, many of which are students of color.** A recent study revealed that one in ten college students were unable to afford menstrual products in the past year during the coronavirus pandemic, and that those who experienced period poverty on a monthly basis, were more likely to experience moderate to severe

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<sup>21</sup> Ashley Rapp and Sidonie Kelpatric, “Changing the Cycle: Period Poverty as a Public Health Crisis,” 2020.

<sup>22</sup> [State of the Period 2021 Report: The Widespread impact of period poverty on US Students.](#)

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Emma Goldberg, “[Many Lack Access to Pads and Tampons. What Are Lawmakers Doing About It?](#)” New York Times, January 2021.

<sup>26</sup> Press Release, [Meng Introduces Bold Plan to Improve Access to Menstrual Products](#), May 2021.

depression.<sup>27</sup> The lack of access to period products can also lead to negative outcomes for students attending college. A study published in January in *BMC Women's Health* found that sixty eight percent of college students who reported experiencing period poverty monthly also reported moderate or severe depression.<sup>28</sup>

## **FURTHER CONSIDERATIONS**

- **Consider ways to ensure District residents experiencing housing instability or live in shelters have access to free period products.**
- **Consider a way to ensure DCPS and DCPCS can track, collect, and assess disaggregated data related to access to period products. Doing so can help to ensure equitable access in each eligible school, and can help the District to be more targeted in its approach to addressing this issue.**

## **ASSESSMENT LIMITATIONS**

Alongside the analysis provided above, the Council Office of Racial Equity encourages readers to keep the following limitations in mind:

**Assessing legislation's potential racial equity impacts is a rigorous, analytical, and uncertain undertaking.** Assessing policy for racial equity is a rigorous and organized exercise but also one with constraints. It is impossible for anyone to predict the future, implementation does not always match the intent of the law, critical data may be unavailable, and today's circumstances may change tomorrow. Our assessment is our most educated and critical hypothesis of the bill's racial equity impacts.

**This assessment intends to inform the public, Councilmembers, and Council staff about the legislation through a racial equity lens.** As a reminder, a REIA is not binding. Regardless of the Council Office of Racial Equity's final assessment, the legislation can still pass.

**This assessment aims to be accurate and useful, but omissions may exist.** Given the density of racial equity issues, it is unlikely that we will raise *all* relevant racial equity issues present in a bill. In addition, an omission from our assessment should not: 1) be interpreted as a provision having no racial equity impact or 2) invalidate another party's racial equity concern.

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<sup>27</sup> Lauren Cardoso, Anna Scolese, Alzahra Hamidaddin, and Jhumka Gupta, "[Period poverty and mental health implications among college-aged women in the United States.](#)" 2021.

<sup>28</sup> Ibid.


Government of the District of Columbia  
Office of the Chief Financial Officer



**Fitzroy Lee**  
Interim Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Fitzroy Lee  
Acting Chief Financial Officer 

**DATE:** December 14, 2021

**SUBJECT:** Fiscal Impact Statement – Expanding Student Access to Period Products Act of 2021

**REFERENCE:** Bill 24-158, Committee Print as passed by the Committee of the Whole on December 7, 2021

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**Conclusion**

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill. The fiscal year 2022 budget includes \$1.64 million and \$4.58 million over the financial plan to implement the bill.

**Background**

The bill requires all local education agencies (LEAs) and private schools operating in the District to install at least one period products<sup>1</sup> dispenser in every middle school and high school women's and gender-neutral bathroom. LEAs and private schools must also install a dispenser in one women's and gender-neutral bathroom in each elementary school. Every dispenser must be stocked with free period products to serve students' needs throughout the academic year and through summer programming.

The bill also requires the University of the District of Columbia (UDC), private universities and colleges, and vocational schools to install at least one period products dispenser in every women's and gender-neutral bathroom. The dispenser must be stocked with free period products to serve students' needs at all times throughout the calendar year.

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<sup>1</sup> Period products means a tampon, a sanitary pad, or liner.



The Honorable Phil Mendelson

FIS: Bill 24-158, "Expanding Student Access to Period Products Act of 2021," Bill 24-158, Committee Print as passed by the Committee of the Whole on December 7, 2021.

The bill requires the Office of the State Superintendent of Education (OSSE), in consultation with the Department of Health, to develop an 8.5" x 11" sign that includes medically accurate information on the safe use and disposal of menstrual products. The sign must be placed near each dispenser and made available for downloading in PDF format on the OSSE website. OSSE must also develop and implement health education standards on menstrual education designed for all students in DCPS and public charter schools beginning in grade four and regardless of gender. The health education standards must include information on the menstrual cycle, premenstrual syndrome and pain management, menstrual hygiene management, menstrual disorders, menstrual irregularities, menopause, and other relevant topics relating to the menstrual cycle.

### Financial Plan Impact

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill. The fiscal year 2022 budget includes \$1.64 million and \$4.58 million over the financial plan to implement the bill.

The approved fiscal year 2022 budget for DCPS added \$809,000 to implement the bill, of which \$384,000 will be used to purchase and install dispensers and \$425,000 will be used to purchase period products. Beginning in fiscal year 2023, the costs of the bill for DCPS include replacing damaged and malfunctioning dispensers and purchasing products. In total, the approved fiscal year 2022 through fiscal year 2025 budget and financial plan included \$2.25 million for DCPS to implement the bill.

| Expanding Student Access to Period Products Act of 2021<br>DCPS Costs |           |           |           |           |             |
|---|-----------|-----------|-----------|-----------|-------------|
|   | FY 2022   | FY 2023   | FY 2024   | FY 2025   | Total       |
| Dispenser Purchase and Install <sup>(a)</sup>                         | \$384,000 | \$0       | \$0       | \$0       | \$384,000   |
| Dispenser Replacement <sup>(b)</sup>                                  | \$0       | \$39,000  | \$40,000  | \$40,000  | \$119,000   |
| Materials Cost <sup>(c)</sup>   | \$425,000 | \$433,000 | \$440,000 | \$448,000 | \$1,747,000 |
| DCPS Total  | \$809,000 | \$472,000 | \$480,000 | \$489,000 | \$2,250,000 |

Table Notes:

(a) Assumes one-time purchase of 656 dispensers at a cost of \$585 each.

(b) Assumes 10 percent of dispensers will need to be repaired or replaced beginning in fiscal year 2023.

(c) Assumes six dispenser refills per women's bathroom and three dispenser refills per gender-neutral bathroom each year at a cost of \$140 per refill.

(d) Assumes cost growth of 1.75 percent.

The fiscal year 2022 budget for public charter schools includes \$694,000 to implement the bill. The cost of the bill for charter schools includes \$267,000 to purchase and install dispensers and \$296,000 to purchase period products; the budget also includes additional funding that results from adjustments made to the uniform per student funding formula (UPSFF) in order cover DCPS costs. Beginning in fiscal year 2023, the bill's costs for public charter schools include the replacement of damaged and malfunctioning dispensers in addition to costs to purchase products. In total, the

The Honorable Phil Mendelson

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approved fiscal year 2022 through fiscal year 2025 budget and financial plan included \$1.93 million in public charter school funding for the costs of implementing the bill.

| Expanding Student Access to Period Products Act of 2021<br>Public Charter School Costs |           |           |           |           |             |
|--|-----------|-----------|-----------|-----------|-------------|
|  | FY 2022   | FY 2023   | FY 2024   | FY 2025   | Total       |
| Dispenser Purchase and Install <sup>(a)</sup>  | \$267,000 | \$0       | \$0       | \$0       | \$267,000   |
| Dispenser Replacement <sup>(b)</sup>   | \$0       | \$27,000  | \$28,000  | \$28,000  | \$83,000    |
| Materials Cost <sup>(c)</sup>  | \$296,000 | \$301,000 | \$307,000 | \$312,000 | \$1,216,000 |
| UPSFF Add on   | \$131,000 | \$76,000  | \$77,000  | \$79,000  | \$363,000   |
| PCS Total  | \$694,000 | \$404,000 | \$412,000 | \$419,000 | \$1,928,000 |

Table Notes:

- (a) Assumes one-time purchase of 456 dispensers at a cost of \$585 each.
- (b) Assumes 10 percent of dispensers will need to be repaired or replaced beginning in fiscal year 2023.
- (c) Assumes six dispenser refills per women's bathroom and three dispenser refills per gender-neutral bathroom each year at a cost of \$140 per refill.
- (d) Assumes cost growth of 1.75 percent.

The fiscal year 2022 budget for UDC includes \$137,000 to implement the bill, of which \$56,000 will be used to purchase and install dispensers and \$81,000 will be used to purchase period products. Beginning in fiscal year 2023, the costs of the bill include replacement of damaged and malfunctioning dispensers and continued costs to purchase products. In total, the approved fiscal year 2022 through fiscal year 2025 budget and financial plan included \$403,000 for UDC to implement the bill.

| Expanding Student Access to Period Products Act of 2021<br>UDC Costs |           |          |          |          |           |
|--|-----------|----------|----------|----------|-----------|
|  | FY 2022   | FY 2023  | FY 2024  | FY 2025  | Total     |
| Dispenser Purchase and Install <sup>(a)</sup>                        | \$56,000  | \$0      | \$0      | \$0      | \$56,000  |
| Dispenser Replacement <sup>(b)</sup>                                 | \$0       | \$6,000  | \$6,000  | \$6,000  | \$17,000  |
| Materials Cost <sup>(c)</sup>  | \$81,000  | \$82,000 | \$83,000 | \$84,000 | \$330,000 |
| UDC Total  | \$137,000 | \$88,000 | \$89,000 | \$90,000 | \$403,000 |

Table Notes:

- (a) Assumes one-time purchase of 96 dispensers at a cost of \$585 each.
- (b) Assumes 10 percent of dispensers will need to be repaired or replaced beginning in fiscal year 2023.
- (c) Assumes six dispenser refills per women's bathroom and three dispenser refills per gender-neutral bathroom each year at a cost of \$140 per refill.
- (d) Assumes cost growth of 1.75 percent.

OSSE can develop signs and curriculum with current resources. No additional funding is necessary for the agency to implement the bill.

The Honorable Phil Mendelson

FIS: Bill 24-158, "Expanding Student Access to Period Products Act of 2021," Bill 24-158, Committee Print as passed by the Committee of the Whole on December 7, 2021.

| Expanding Student Access to Period Products Act of 2021<br>Total Cost |                    |                  |                  |                  |                    |
|---|--------------------|------------------|------------------|------------------|--------------------|
|   | FY 2022            | FY 2023          | FY 2024          | FY 2025          | Total              |
| DCPS  | \$809,000          | \$472,000        | \$480,000        | \$489,000        | \$2,250,000        |
| Public Charter Schools  | \$694,000          | \$404,000        | \$412,000        | \$419,000        | \$1,928,000        |
| UDC   | \$137,000          | \$88,000         | \$89,000         | \$90,000         | \$403,000          |
| <b>Total</b>  | <b>\$1,640,000</b> | <b>\$964,000</b> | <b>\$981,000</b> | <b>\$998,000</b> | <b>\$4,581,000</b> |



**OFFICE OF THE GENERAL COUNSEL**

Council of the District of Columbia  
1350 Pennsylvania Avenue NW, Suite 4  
Washington, DC 20004  
(202) 724-8026

**MEMORANDUM**

**TO: Chairman Phil Mendelson**

**FROM: Nicole L. Streeter, General Counsel *NLS***

**DATE: November 6, 2021**

**RE: Expanding Access to Period Products Act of 2021, Bill 24-77.**

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The measure is legally and technically sufficient for Council consideration.

The bill would require the District's public, public charter, and private schools to install and stock period product dispensers or receptacles in every women's and gender neutral bathroom in all middle schools and high schools and in at least one women's and gender neutral bathroom in all elementary schools. It would require District universities, colleges, and vocational schools to install and stock period product dispensers and receptacles in every women's and gender neutral bathroom. The period products would be required to be available free of charge.

The measure would further require the Office of the State Superintendent of Education, in consultation with the State Board of Education, to develop and implement health education standards on menstrual education designed for students in District public and public charter schools beginning in grade 4.

I am available if you have any questions.

1 **December 7, 2021**  
2 **Committee of the Whole**  
3 **Committee Print**  
4  
5  
6

7 A BILL  
8  
9

10 24-158  
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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
14  
15

16 To require District of Columbia local education agencies, private schools, the University of the  
17 District of Columbia, private universities and colleges, and vocational schools to install  
18 and maintain dispensers or similar receptacles of free-for-use period products in women's  
19 and gender-neutral bathrooms and to require the Office of the State Superintendent of  
20 Education to develop and implement health education standards on menstrual education  
21 designed for all students in District of Columbia Public Schools and District of Columbia  
22 public charter schools beginning in grade 4 and regardless of gender.  
23

24 IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act  
25 may be cited as the "Expanding Student Access to Period Products Act of 2021".

26 Sec. 2. Definitions.

27 For the purposes of this act, the term:

28 (1) "LEA" means local education agency, which is the District of Columbia  
29 Public Schools system, an individual or a group of public charter schools operating under a  
30 single charter.

31 (2) "Period products" means a tampon, a sanitary pad, or liner.

32 Sec. 3. Provision of period products.

33 (a)(1) Local education agencies and private schools shall install at least one dispenser or  
34 similar container for period products in:

(A) Each women's and gender-neutral bathroom in every middle school and high school; and

(B) At least one women's and one gender-neutral bathroom in every elementary school.

(2) If a school building does not have a gender-neutral bathroom, then the products shall also be available in at least one men's bathroom.

(3) LEAs and private schools shall stock every dispenser or similar container with sufficient period products to serve the needs of the LEA or private school's students throughout the academic year and any period of summer programming offered on a school's campus.

(b) The University of the District of Columbia ("UDC"), private universities and colleges, and vocational schools shall:

(1) Install at least one dispenser or similar container for period products in every women's and gender-neutral bathroom.

(2) Stock every dispenser or similar container with sufficient period products to serve the needs of students at all times throughout the calendar year.

(c) Period products required to be made available pursuant to this section shall be free of cost.

(d) In consultation with the District of Columbia Department of Health, the Office of the State Superintendent of Education ("OSSE") shall develop an 8.5" x 11" sign that includes medically accurate information on the safe use and disposal of menstrual products. The sign shall be:

(1) Placed near each dispenser or similar container.

(2) Made available for downloading in PDF format on the OSSE website.

(e) Each LEA, private school, the UDC, private college or university, and vocational school shall install the dispensers or similar containers required by this act within one year after the effective date of this act.

#### Sec. 4. Education on menstruation.

(a) In consultation with the State Board of Education, the Office of the State Superintendent of Education (“OSSE”) shall develop and implement health education standards on menstrual education designed for all students in DCPS and District of Columbia Charter Schools, beginning in grade 4 and regardless of gender.

(1) The overarching vision of the health education standards shall be to ensure that students in the District of Columbia schools shall have the information, support, and enabling school environment to manage menstruation with dignity, safety, and comfort.

(2) The health education standards shall include information on the menstrual cycle, premenstrual syndrome and pain management, menstrual hygiene management, menstrual disorders, menstrual irregularities, menopause, and other relevant topics relating to the menstrual cycle.

(b) OSSE shall implement the health education standards within one year of the effective date of this act.

#### Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

#### Sec. 6. Effective date.

80           This act shall take effect following approval by the Mayor (or in the event of veto by the  
81 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
82 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
83 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
84 Columbia Register.