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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**56th Legislature, 1st Session, 2023**

|                        |   |                            |   |
|------------------------|---|----------------------------|---|
| <b>Bill Number</b>     | <u>HB134/aHAFC</u>                            | <b>Sponsor</b>             | <u>Trujillo/Ortez/Lujan/Serrato/Garratt</u> |
| <b>Tracking Number</b> | <u>.223095.3</u>                              | <b>Committee Referrals</b> | <u>HEC/HAFC</u>                             |
| <b>Short Title</b>     | <u>Menstrual Products In School Bathrooms</u> |                            |   |
| <b>Analyst</b>         | <u>Condon</u>                                 | <b>Original Date</b>       | <u>1/29/2023</u>                            |
|                        |   | <b>Last Updated</b>        | <u>3/3/2023</u>                             |

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**BILL SUMMARY**

Synopsis of HAFC Amendment

The HAFC amendment removes the appropriation from House Bill 134 (HB134/aHAFC).

Synopsis of Original Bill

House Bill 134 (HB134) amends the Public School Code to require menstrual products be provided to students at no cost in public elementary, middle, and high school bathrooms. HB134 also appropriates \$3 million dollars to cover the cost and distribution of products and installation of dispensers in school bathrooms.

**FISCAL IMPACT**

The bill does not make an appropriation.

PED's public school support requests (PSSRs) for FY24 include a request for \$3 million for tampons and sanitary napkins for use in connection with the menstrual cycle; feminine hygiene dispensary products including free or token operated steel or comparable dispensers; and stand-alone or mounted receptacles for disposal of feminine hygiene products as well as receptacle disposable bags.

**SUBSTANTIVE ISSUES**

**Menstrual equity.** The concept of "menstrual equity" is generally referring to the affordability, accessibility and safety of menstrual products. A [2019 study](#), *Unmet Menstrual Hygiene Needs Among Low-Income Women*, found that that 64 percent of women reported having difficulty affording menstrual products, such as pads, tampons, or reusable products like menstrual cups in the previous year. And approximately 21 percent of women reported that they were unable to afford these products every month. Additionally, the study found that 46 percent or almost half of the women could not afford to buy food and menstrual products during the past year. The study noted there is no difference in menstrual hygiene needs by age.

According to a [2021 study](#) on student access to support during their period, 23 percent of students in the U.S. reported struggling to afford period products. The report outlined stigmas that often prevent students from discussing issues around their period, and 70 percent of respondents said the school environment makes them especially self-conscious of their period, and 77 percent of students believe there needs to be more in-depth education about menstrual health.

The median age that women will have their first occurrence of menstruation is 11.9 years old according to the Centers for Disease Control and Prevention (CDC). Among women aged 15–44 in the United States in 2013–2017, 10 percent had their first occurrence of menstruation by age 10, 53 percent by age 12, and 90 percent by age 14. [CDC](#) data also revealed that Hispanic women had a higher probability of menstruating at younger ages than non-Hispanic white women.

Nationally, there has been an increased push for K-12 schools and college campuses to provide free menstrual products for their students. In 2021, there were more than 140 bills in 37 states, including 8 bills introduced on the federal level, to advance menstrual equity through addressing the safety, access and/or affordability of menstrual products. Since 2021, California, Delaware, the District of Columbia, Illinois, Maryland, Nevada, Oregon, Rhode Island and Washington have enacted legislation mandating all Local Education Agencies (LEAs) to provide free menstrual products. Most of these bills require free menstrual products for students in grades 6-12.

## **ADMINISTRATIVE IMPLICATIONS**

In their analysis, PED determined the Department can administer the grant program established in HB134 by using existing resources and staff.

## **SOURCES OF INFORMATION**

- LESC Files

**BEC/cf/msb**