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## FISCAL IMPACT REPORT

SPONSOR Trujillo/Ortez//Lujan/Serrato LAST UPDATED 3/2/23  
ORIGINAL DATE 1/29/23  
SHORT TITLE Menstrual Products in School Bathrooms BILL NUMBER House Bill 134/aHAFC  
ANALYST Helms

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY23	FY24	FY25	2 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$993.00	\$993.00	\$1,986.00	Recurring	General fund

Relates to appropriation in General Appropriation Act

### Sources of Information

LFC Files

Response Received From  
Public Education Department (PED)  
Department of Health (DOH)

## SUMMARY

### Synopsis of House Appropriations and Finance Committee Amendment to House Bill 134

The House Appropriations and Finance Committee amendment to House Bill 134 strikes the original \$3 million appropriation within HB134.

### Synopsis of Original Bill

House Bill 134 (HB134) would require the Public Education Department to provide menstrual products in school bathrooms at no cost to students and provides a \$3 million appropriation beginning in FY24. The appropriation includes purchase and installation of menstrual product dispensers and the products (defined as sanitary pads and tampons) themselves.

## FISCAL IMPLICATIONS

HB134/aHAFC does not contain an appropriation to cover the cost of menstrual products and dispensers; LFC analysis estimates at most, costs would come to \$993 thousand. The House Appropriations and Finance Committee substitute for House Bill 2 appropriates \$1 million from the public education reform fund to the state equalization guarantee, the pool of money distributed to public schools through a formula, for menstrual hygiene products.

LFC analysis estimates, out of total students in fifth through twelfth grades and likelihood of needing to use menstrual hygiene products, including variations in average age of onset for menstruation, a recurring cost of products per year of \$423 thousand.

Costs of menstrual hygiene product dispensers would be the greater cost, and nonrecurring. Needs in schools and types of dispensers needed (wall-mounted and secure versus counter-style dispensers or boxes) would vary widely based on school size and population. LFC analysis estimates for the 846 elementary, middle, junior high, and high schools in New Mexico, costs for roughly 2,500 menstrual hygiene product dispensing devices would total \$562 thousand to \$570 thousand. Over half the schools are elementary schools, which would require the least number of dispensers, as HB134 would require menstrual hygiene products in every women's and gender-neutral bathroom and at least one men's bathroom at every middle school, junior high school, secondary school, and high school; and in at least one women's, men's, and gender-neutral bathroom in every public elementary school. In total the recurring cost of products and nonrecurring cost of dispensers would sum to \$993 thousand.

LFC analysis has shown districts and charter schools have cash balances that have grown from \$273 million in FY19 to over \$525 million by FY22. If legislators decide to prioritize the need for menstrual products in schools and create a requirement for menstrual products to be provided at no cost to students in school bathrooms under PED's authority, it is possible schools would already have sufficient funds to pay for required menstrual products without an additional distribution from PED.

The greatest initial cost of free menstrual products in schools is the dispensers themselves. Massachusetts school districts estimate the cost of products per relevant student per year is close to \$5 to \$7. It is possible after an initial appropriation of \$3 million, costs in subsequent years would be much lower.

## **SIGNIFICANT ISSUES**

Ten states (California, Illinois, Hawaii, Delaware, Maine, New York, Utah, Virginia, Nevada, and Washington) currently mandate some form of free menstrual products in their schools. Alabama schools also participate in a grant program providing free menstrual products.

While nationally 20 percent of teenagers have had difficulty affording menstrual products, a study from BMC women's health shows this rises to 25 percent for Hispanic teenagers. The study also shows nearly 25 percent of teenagers who menstruate have missed class because of lacking a menstrual product. This could be due to affordability of menstrual products, living in rural areas where menstrual products are difficult to access independently or without anticipation, overall lack of transportation to access menstrual products, or forgetting to bring menstrual products to school. Any of these factors disproportionately impact a female student's ability to attend school or be at best capacity at school when menstruating.

Limited evidence shows access to menstrual products in schools may increase attendance. New York City schools saw attendance rise by 2.5 percent after free menstrual products were provided.

Analysis from the Department of Health indicates

At least 37 states have introduced bills to advance menstrual equity through addressing

the safety, access and/or affordability of period care products, and at least 20 states and jurisdictions have some requirements for schools to provide period products to students or allow schools to use funds to provide those products.

Lower-income students and students of color (particularly [Hispanic] students) are more impacted by lack of access than white and middle-income students. Nearly half of [Hispanic] students (46 percent) say returning to school made it easier for them to access period products, and 23 percent say they have had to choose between buying period products and food/ clothing.

Almost half of Black and [Hispanic] students feel they are not able to do their best school work because of lack of access to period products, compared to 28 percent among white students. One in five teens said they have struggled to afford period products, or have not been able to purchase them at all. 25 percent (1 in 4 teens) have missed school because of lack of access to period products.

Analysis from the Public Education Department cites similar health concerns and adds that 51 percent of students have worn period products for longer than recommended, which can contribute to occurrences of Toxic Shock Syndrome (TSS). PED adds:

The requirements and funding in HB134 would also support the Martinez/Yazzie goal of transforming education to meet the needs of New Mexico's most underserved students, including students from low-income families, and will help support improved attendance and academic success. These products are a health care necessity that cannot be easily substituted or foregone. While the average age girls start their period is 12, a first period can occur as young as the age of eight.

Lack of access to these products can keep pupils from attending school, distract them from their studies or keep them from participating in sports activities. Trying to save money by wearing a tampon for longer can result in Toxic Shock Syndrome (TSS), with teenage girls being at risk for TSS.

## **ADMINISTRATIVE IMPLICATIONS**

The law is not clear if schools are expected to supplement funds if their distribution from PED for menstrual products was fully expended, and PED would need to develop guidelines for those potential circumstances. Menstrual product distribution will require additional oversight from PED and a system of supervision at the individual school level, as well. PED analysis notes HB134 would require the Department to administer a new grant program for feminine hygiene products. This could be accomplished with existing staff and resources.