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FISCAL IMPACT REPORT

ORIGINAL DATE 2/14/19
 SPONSOR Romero/Garratt LAST UPDATED 2/19/19 HB 21/aHEC
 SHORT TITLE Free Female Sanitary Products in Schools SB _____
 ANALYST Chilton

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
	\$422.5	Nonrecurring	General Fund
	\$1,050.7	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Medical Board (MB)
 Board of Nursing (BN)
 Public Education Department (PED)
 Regional Education Cooperatives Association (REC)

SUMMARY

Synopsis of HEC Amendment

The House Education committee amendment to House Bill 21 reduces the amount of money appropriated for buying female sanitary products to \$1,050,703, while leaving the appropriation for dispensers for those products at \$422,509.

Synopsis of Original Bill

House Bill 21: 1) adds a new section of the Public School Code requiring all public elementary through high schools in the state provide free female sanitary products in their restrooms; and 2) appropriates a total of \$4,412,158 to purchase dispensers for female sanitary menstrual products and to purchase the sanitary products themselves.

FISCAL IMPLICATIONS

The appropriations of \$422,509 (nonrecurring) and \$3,989,649 (changed in the amendment to \$1,050,703; recurring) contained in this bill are expenses to the General Fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2020 shall revert to the general fund.

The part indicated above as recurring is the estimated cost of female menstrual products on a yearly basis. PED is concerned that, lacking a recurring appropriation for this purpose, local educational units would face an “unfunded mandate” to continue the program on their own.

SIGNIFICANT ISSUES

PED notes the importance of having menstrual products available and efforts in other states to provide them so that menstruating female students do not have to miss school:

California, Illinois, and New York have recently passed laws requiring distribution of free feminine hygiene products in some public schools. The Illinois General Assembly found that these products are a health care necessity that cannot be easily substituted or foregone; students who lack access to these products may miss multiple days of school every month; and students who have access to quality feminine hygiene products are able to function with minimal interruption.

(<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0163>)

California legislators found that feminine hygiene products are necessary for the health, well-being, and full participation of those who menstruate. Having access to these products would support all pupils who menstruate in reaching their full potential. 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, with teenage girls being at even higher risk for TSS.

(https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180AB10)

Bustle.com (<https://www.bustle.com/p/10-organizations-that-provide-menstrual-products-for-people-who-need-them-how-you-can-help-45116>) indicates the extent of the worldwide problem of lack of female sanitary products, and the connection of this problem to female students missing school:

Lack of access to affordable menstrual products is a global problem. In the United States, 26.4 million people can't afford menstrual products. Across the world, an estimated 100 million young people lack access to adequate menstrual products. Without access to these products, many students miss school or drop out entirely during their period. In Sub-Saharan Africa, one in 10 students miss school during their period. In India, one in four students don't come to school when they're menstruating. Having a period shouldn't have to cost a student their education.

Missing school while menstruating is not inconsequential. A February 2019 American Academy of Pediatrics policy statement (The Link Between School Attendance and Good Health, <http://pediatrics.aappublications.org/content/143/2/e20183648>) makes the following connection

between missing school and eventual achievement: “Students with poor attendance score lower than their peers who attend school regularly on national skills assessments, regardless of race or ethnicity. Chronic absenteeism can be a better predictor of school failure than test scores. In 1 study, students with high test scores who missed at least 2 weeks of school during the semester were more likely to have failing grades than students with low test scores who regularly attended school. Chronic absenteeism as early as sixth grade is predictive of dropping out of school.”

LAC/sb