

File No. 210191

Committee Item No. _____

Board Item No. 39

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: March 2, 2021

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OTHER

- Assembly Bill No. 367
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Prepared by: Jocelyn Wong

Date: February 26, 2021

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill No. 367 (Garcia) - Menstrual Equity Act of 2021]

2
3 **Resolution supporting California Assembly Bill No. 367, authored by Assembly Member**
4 **Cristina Garcia, and co-authored by Assembly Members Laura Friedman, Ash Kalra,**
5 **and Sydney Kamlager, and co-authored by Senator Maria Elena Durazo, to require**
6 **public schools maintaining any combination of classes from grades 6 to 12 inclusive to**
7 **stock at least 50% of the school’s restrooms with free menstrual products at all times.**

8
9 WHEREAS, Nearly two-thirds of low-income women in large U.S. cities cannot afford
10 menstrual hygiene products such as tampons or pads and are forced to resort to less sanitary
11 or healthy option; and

12 WHEREAS, Latinx women are most likely to experience period poverty, followed by
13 Black women and followed by other non-white women; and

14 WHEREAS, Period poverty is linked with food insecurity and mental health, specifically
15 68.1% of those experiencing period poverty also report symptoms of moderate or severe
16 depression; and

17 WHEREAS, One of five first-generation college students experience period poverty
18 twice more likely than students not first in families to attend school; and

19 WHEREAS, Assembly Bill No. 367 (AB 367), introduced by Assembly Member Cristina
20 Garcia and co-authored by Assembly Members Laura Friedman, Ash Kalra, and Sydney
21 Kamlager, and Senator Maria Elena Durazo, shall be known and cited as the Menstrual Equity
22 Act of 2021; and

23 WHEREAS, AB 367 is inspired by Scotland’s new law declaring access to menstrual
24 products as a human right and requires all designated public places to provide menstrual
25 products free of charge to anyone who needs them; and

1 WHEREAS, On February 18, 2021, Prime Minister Jacinda Ardern of New Zealand
2 announced that all primary, intermediate, and secondary school students will be able to
3 access free menstrual products at school in an effort to remove barriers and stigma for young
4 people; and

5 WHEREAS, AB 367 will declare the public access to menstrual products as a right; and

6 WHEREAS, AB 367 will require public schools maintaining any combination of classes
7 from grades 6 to 12 inclusive to stock at least 50% of the school’s restrooms with free
8 menstrual products at all times; and

9 WHEREAS, AB 367 will mandate California State University, each community college
10 district, and every public agency that have restroom facilities open for the public to stock 50%
11 of all restrooms with free menstrual products at all times; and

12 WHEREAS, AB 367 will encourage the Regents of the University of California and
13 private universities, colleges, and institutions of higher learning to stock 50% of all campus
14 restrooms with free menstrual products at all times; and

15 WHEREAS, Costs of menstrual products will be reimbursed to school districts and local
16 agencies if the Commission on State Mandates determines so; and

17 WHEREAS, AB 367 is supported by a coalition of community organizations including:
18 the student-run California Association of Student Councils, ACLU of California, Black Women
19 for Wellness, IGNITE, Free the Period, The Santa Clara Office of Women’s Policy, Division of
20 Equity and Social Justice, Alliance for Girls, Alliance for Period Supplies, PERIOD, The
21 Menstrual Movement, and the National Diaper Bank Network; now, therefore, be it

22 RESOLVED, That the San Francisco Board of Supervisors hereby supports California
23 Assembly Bill No. 367, Menstrual products, and urges the California State Legislature to pass
24 this bill require public schools maintaining any combination of classes from grades 6 to 12
25 inclusive to stock at least 50% of the school’s restrooms with free menstrual products at all

1 times as well as to mandate California State University, each community college district, and
2 every public agency that have restroom facilities open for the public to stock 50% of all
3 restrooms with free menstrual products at all times; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
5 Board to transmit a copy of this Resolution to the California State Assembly and the California
6 State Senate as well as the Bill's primary sponsor, Assembly Member Cristina Garcia.

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ASSEMBLY BILL

No. 367

Introduced by Assembly Member Cristina Garcia
(Coauthors: Assembly Members Friedman, Kalra, and Kamlager)
(Coauthor: Senator Durazo)

February 1, 2021

An act to amend Section 35292.6 of, and to add Section 66027.7 to, the Education Code, and to amend Section 118500 of, and to add Section 118507 to, the Health and Safety Code, relating to menstrual products.

LEGISLATIVE COUNSEL'S DIGEST

AB 367, as introduced, Cristina Garcia. Menstrual products.

Existing law requires a public school maintaining any combination of classes from grade 6 to grade 12, inclusive, that meets a 40% pupil poverty threshold specified in federal law, to stock 50% of the school's restrooms with feminine hygiene products, and prohibits a public school from charging for any menstrual products provided to pupils. Existing law requires a public agency of the state or a city, county, or city and county that conducts an establishment serving the public or open to the public and that maintains restroom facilities for the public to make every restroom available to the public without charge, as specified.

This bill would enact the Menstrual Equity Act of 2021, which would require a public school maintaining any combination of classes from grades 6 to 12, inclusive, to stock at least 50% of the school's restrooms with free menstrual products at all times. The bill would require the California State University and each community college district, and would encourage the Regents of the University of California and private universities, colleges, and institutions of higher learning, to stock 50% of all campus restrooms with free menstrual products at all times. The

bill would require a public agency to stock 50% of all restrooms that are open to the public or used by employees with free menstrual products at all times. By imposing additional requirements on public schools, community college districts, and local government agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) This act shall be known, and may be cited,
- 2 as the Menstrual Equity Act of 2021.
- 3 (b) The Legislature finds and declares that access to menstrual
- 4 products is a right.
- 5 SEC. 2. Section 35292.6 of the Education Code is amended to
- 6 read:
- 7 35292.6. (a) A public school maintaining any combination of
- 8 classes from ~~grade 6 to grade 12, inclusive, that meets the~~
- 9 ~~40-percent pupil poverty threshold required to operate a schoolwide~~
- 10 ~~program pursuant to Section 6314(a)(1)(A) of Title 20 of the United~~
- 11 ~~States Code grades 6 to 12, inclusive,~~ shall stock at least 50 percent
- 12 of the school’s restrooms with ~~feminine hygiene~~ *menstrual* products
- 13 at all times.
- 14 (b) A public school described in subdivision (a) shall not charge
- 15 for any menstrual products provided to ~~pupils, including, but not~~
- 16 ~~limited to, feminine hygiene products.~~ *pupils.*
- 17 ~~(c) For purposes of this section, “feminine hygiene products”~~
- 18 ~~means tampons and sanitary napkins for use in connection with~~
- 19 ~~the menstrual cycle.~~
- 20 SEC. 3. Section 66027.7 is added to the Education Code, to
- 21 read:

1 66027.7. (a) The California State University and each
2 community college district shall stock 50 percent of all campus
3 restrooms at all times with free menstrual products.

4 (b) The Regents of the University of California and private
5 universities, colleges, and institutions of higher learning are
6 encouraged to stock 50 percent of all campus restrooms at all times
7 with free menstrual products.

8 SEC. 4. Section 118500 of the Health and Safety Code is
9 amended to read:

10 118500. ~~Every~~*(1)* A public agency that conducts an
11 establishment serving the public or open to the public and that
12 maintains ~~therein~~ restroom facilities for the public, shall make
13 every ~~water closet for each sex~~ *restroom* maintained within the
14 facilities available without cost or charge to the patrons, guests,
15 or invitees of the establishment. “Public agency” as used in this
16 section means ~~only~~ the state and any agency of the state and a city,
17 a county, and a city and county.

18 *(b) A public agency shall stock at least 50 percent of the*
19 *restrooms described in subdivision (a) at all times with free*
20 *menstrual products.*

21 SEC. 5. Section 118507 is added to the Health and Safety Code,
22 to read:

23 118507. A public agency, as defined in Section 118500, shall
24 stock 50 percent of all restrooms available to employees with free
25 menstrual products at all times.

26 SEC. 6. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Walon, Safai, Ronen, Haney, Preston, Stefani

Subject:

Supporting California State Assembly Bill No. 367 (Garcia) - Menstrual Equity Act of 2021

The text is listed:

Resolution supporting California Assembly Bill No. 328, authored by Assembly Member Cristina Garcia, and co-authored by Assembly Members Laura Friedman, Ash Kalra, and Sydney Kamlager, and co-authored by Senator Maria Elena Durazo, to require public schools maintaining any combination of classes from grades 6 to 12 inclusive to stock at least 50% of the school's restrooms with free menstrual products at all times.

Signature of Sponsoring Supervisor: /s/ Shamann Walton

For Clerk's Use Only