

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.