

Committee Report

REGULAR CALENDAR

April 30, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Education to which
was referred SB 142-LOCAL,

AN ACT requiring feminine hygiene products in school
restrooms. Having considered the same, report the same
with the following amendment, and the recommendation
that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Stephen Woodcock

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Education
Bill Number:	SB 142-LOCAL
Title:	requiring feminine hygiene products in school restrooms.
Date:	April 30, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2019-1478h

STATEMENT OF INTENT

This bill provides that all gender neutral and female bathrooms in middle and high schools will have available for free, menstrual products. Lack of access to these products contribute to the phenomenon called "period poverty." "Period poverty" occurs when students lack financial resources to obtain female hygiene products, and in this situation, often stay at home instead of attending school. Additionally, this situation negatively impacts a student's self-esteem, self-identity, and education.

Vote 13-7.

Rep. Stephen Woodcock
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

SB 142-LOCAL, requiring feminine hygiene products in school restrooms. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Woodcock for the **Majority** of Education. This bill provides that all gender neutral and female bathrooms in middle and high schools will have available for free, menstrual products. Lack of access to these products contribute to the phenomenon called "period poverty." "Period poverty" occurs when students lack financial resources to obtain female hygiene products, and in this situation, often stay at home instead of attending school. Additionally, this situation negatively impacts a student's self-esteem, self-identity, and education. **Vote 13-7.**

COMMITTEE REPORT

COMMITTEE: Education WOODCOCK

BILL NUMBER: SB 142-Local

TITLE: Requiring feminine hygiene products in school restrooms.

DATE: 4-30-19 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
<u>1478</u>

STATEMENT OF INTENT:

SB 142 provides that all gender neutral and female bathrooms in the middle and high schools will have available for free menstrual products.

Lack of access to these products contribute to the phenomenon called "period poverty".

Period poverty occurs when students lack financial resources to obtain female hygiene products and in this situation often they

COMMITTEE VOTE: 13-7 stay at home instead of attending school. Additionally, this

RESPECTFULLY SUBMITTED, ~~SELF IDENTIFY~~ ~~A student self-esteem and~~
 Stephen L. Woodcock situation negatively impact a student's self-esteem, self-identity of education.
 Rep. [Signature]
 For the Committee

- Copy to Committee Bill File
- Use Another Report for Minority Report

This bill

SB 142 provides That All gender neutral and female restrooms in middle and high schools will have available for free menstrual products.

Lack of access to these products contribute to the phenomenon called "period poverty".

'Period poverty' occurs when students lack financial resources to obtain female hygiene products. And in this situation often stay at home instead of attending school. Additionally, ~~student~~ this situation negatively impacts a student's self-esteem, self-identity and education.

Rep. Luneau, Merr. 10
Rep. Tanner, Sull. 9
Rep. Woodcock, Carr. 2
April 11, 2019
2019-1478h
06/10

Amendment to SB 142-LOCAL

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT requiring menstrual hygiene products in school restrooms.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 New Section; Menstrual Hygiene Products. Amend RSA 189 by inserting after section 16 the
8 following new section:

9 189:16-a Menstrual Hygiene Products.

10 I. The school district shall make menstrual hygiene products available at no cost in all
11 gender neutral bathrooms and bathrooms designated for females located in public middle and high
12 schools.

13 II. Menstrual hygiene products shall include sanitary napkins and tampons.

14 III. The school district shall bear the cost of supplying menstrual hygiene products. A
15 school district may seek grants or partner with a non-profit or community-based organization to
16 fulfill this obligation.

17 2 Effective Date. This act shall take effect upon its passage.

Amendment to SB 142-LOCAL
- Page 2 -

2019-1478h

AMENDED ANALYSIS

This bill requires school boards to make menstrual hygiene products available, free of charge, in restrooms designated for girls and gender-neutral restrooms located in public middle and high schools.

REGULAR CALENDAR

April 30, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Education to which was referred SB 142-LOCAL,

AN ACT requiring feminine hygiene products in school restrooms. Having considered the same, and being unable to agree with the Majority, report with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Alicia Lekas

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Education
Bill Number:	SB 142-LOCAL
Title:	requiring feminine hygiene products in school restrooms.
Date:	April 30, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2019-1611h

STATEMENT OF INTENT

Making available menstrual hygiene products for students who cannot afford them is an excellent endeavor. However, as this bill is written, the minority believes it is an unfunded mandate.

Rep. Alicia Lekas
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

SB 142-LOCAL, requiring feminine hygiene products in school restrooms. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alicia Lekas for the **Minority** of Education. Making available menstrual hygiene products for students who cannot afford them is an excellent endeavor. However, as this bill is written, the minority believes it is an unfunded mandate.

Original: House Clerk
Cc: Committee Bill File

Foor, Jennifer

From: Foor, Jennifer
Sent: Tuesday, April 30, 2019 4:04 PM
To: Ladd,Rick (ladd.nhhouse@charter.net); Rick Ladd (ladd.nhhouse@gmail.com); AliciaLekas
Subject: SB 142 Minority Report-- Question

Good Afternoon Rep. Ladd and Rep. Lekas,
I was just looking over the reports from today's executive session and wanted to double check that you want the minority motion on SB 142 to be ITL.

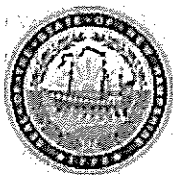
Currently, the recorded motion in the minority report is ITL with the following report:

"Making available menstrual hygiene products for students who cannot afford is an excellent endeavor. However, as this bill is written, the minority believes it is an unfunded mandate."

I just wanted to confirm that motion is correct and you did not want the minority motion to be OTPA with amendment 2019-1611h moved by Wolf/ Lekas.

Thanks so much!
Jenn foor

Jennifer Foor
Committee Researcher
NH House of Representatives
Room 408 Legislative Office Building
33 North State Street, Concord NH 03301
Phone: (603) 271-3099



4:10 pm 4/30/19
Spoke to Rep Ladd.
Committee Report language is OK
But motion should be
OTPA w/ 2019-1611h.

MINORITY REPORT

COMMITTEE: Education LEK AS

BILL NUMBER: SB 142-Local

TITLE: Requiring feminine hygiene products in school restrooms.

DATE: 4/30/19 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. 1478 1611h
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STATEMENT OF INTENT:

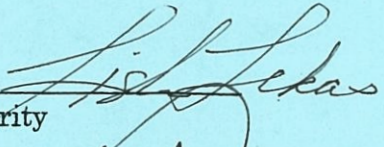
Making available menstrual hygiene products for students who ~~are period poor~~ ^{cannot afford them} is an excellent endeavor. However, as this bill is written, the minority believes it is an unfunded mandate.

~~products and this miso school~~

COMMITTEE VOTE: 13-7

RESPECTFULLY SUBMITTED,

• Copy to Committee Bill File

Rep. Alicia LeKas 
For the Minority

Rep. Wolf, Merr. 5
Rep. Shaw, Hills. 16
Rep. A. Lekas, Hills. 37
April 23, 2019
2019-1611h
06/08

Amendment to SB 142-LOCAL

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT requiring menstrual hygiene products in school restrooms.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 New Section; Menstrual Hygiene Products. Amend RSA 189 by inserting after section 16 the
8 following new section:

9 189:16-a Menstrual Hygiene Products.

10 I. The school district shall make available menstrual hygiene products at no cost in all
11 gender neutral bathrooms and bathrooms designated for females located in public schools.
12 Menstrual hygiene products shall include sanitary napkins and tampons.

13 II. A school district may seek grants or partner with a non-profit or community-based
14 organization to fulfill this obligation.

15 2 Effective Date. This act shall take effect upon its passage.

Amendment to SB 142-LOCAL

- Page 2 -

2019-1611h

AMENDED ANALYSIS

This bill requires school boards to make available menstrual hygiene products, free of charge, in restrooms designated for girls and gender-neutral restrooms located in public schools.

Voting Sheets

HOUSE COMMITTEE ON EDUCATION
EXECUTIVE SESSION on SB 142-LOCAL

BILL TITLE: requiring feminine hygiene products in school restrooms.

DATE: April 30, 2019

LOB ROOM: 207

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Woodcock Seconded by Rep. Tanner AM Vote: 13-7

Amendment # 2019-1478h

Moved by Rep. Tanner Seconded by Rep. Woodcock Vote: 13-7

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep Linda Tanner, Clerk

HOUSE COMMITTEE ON EDUCATION
EXECUTIVE SESSION on SB 142-LOCAL

BILL TITLE: requiring feminine hygiene products in school restrooms.

DATE: 4/30

LOB ROOM: 207

MOTION: (Please check one box)

MAIN Motion

OTP ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. WOODCOCK Seconded by Rep. Tanner Vote: 13-7

MOTION: (Please check one box)

Amendment

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # 1478
 Interim Study (2nd year) (if offered)

Moved by Rep. Tanner Seconded by Rep. WOODCOCK Vote: 13-7

MOTION: (Please check one box)

Amendment

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # 1611 h
 Interim Study (2nd year) (if offered)

Moved by Rep. WOLF Seconded by Rep. LEKAS Vote: 9-11

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ___ YES X NO

Minority Report? 1 Yes ___ No If yes, author, Rep: LEKAS Motion _____

Respectfully submitted:


Rep Linda Tanner, Clerk



1/16/2019 11:47:04 AM
Roll Call Committee Registers
Report

Amendment 2019 SESSION

Education

Bill #: SB 142 Motion: OTP AM #: 1611h Exec Session Date: 4/30/19

Requiring feminine hygiene products in school restrooms.

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Myler, Mel Chairman		11	
Luneau, David J. Vice Chairman		1	
Shaw, Barbara E.	1		
Cornell, Patricia <i>Woods</i>		2	
Doherty, David B.		3	
Le, Tamara N.		4	
Tanner, Linda L. Clerk		5	
Ellison, Arthur S.		6	
Mullen, Sue M.		7	
Riel, Cole J.		8	
Vallone, Mark		9	
Woodcock, Stephen L.		10	
Ladd, Rick M.	2		
Cordelli, Glenn	3		
Elliott, Robert J. <i>Hoelzel</i>	4		
Boehm, Ralph G.	5		
Wolf, Dan H.	6		
Allard, James C.	7		
Forsythe, Robert L.	8		
Lekas, Alicia D.	9		
TOTAL VOTE:	9	11	



1/16/2019 11:47:04 AM
Roll Call Committee Registers
Report

2019 SESSION

Education

Bill #: SB 142-L Motion: OTP AM #: 1478 Exec Session Date: 4/30/
Requiring feminine hygiene products in school restrooms.

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Myler, Mel Chairman	13		
Luneau, David J. Vice Chairman	1		
Shaw, Barbara E.	2		
Cornell, Patricia	3		
Doherty, David B.	4		
Le, Tamara N.	5		
Tanner, Linda L. Clerk	6		
Ellison, Arthur S.	7		
Mullen, Sue M.	8		
Riel, Cole J.	9		
Vallone, Mark	10		
Woodcock, Stephen L.	11		
Ladd, Rick M.		1	
Cordelli, Glenn		2	
Elliott, Robert J.		3	
Boehm, Ralph G.		4	
Wolf, Dan H.	12		
Allard, James C.		5	
Forsythe, Robert L.		6	
Lekas, Alicia D.		7	
TOTAL VOTE:	13	7	



1/16/2019 11:47:04 AM
Roll Call Committee Registers
Report

2019 SESSION

Education

Amendment
u

Bill #: SB142 Motion: OTP AM #: 1478h Exec Session Date: 4/30

Requiring feminine hygiene products in school restrooms

MembersYEASNaysNV

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Myler, Mel Chairman	13		
Luneau, David J. Vice Chairman	1		
Shaw, Barbara E.	2		
Cornell, Patricia	3		
Doherty, David B.	4		
Le, Tamara N.	5		
Tanner, Linda L. Clerk	6		
Ellison, Arthur S.	7		
Mullen, Sue M.	8		
Riel, Cole J.	9		
Vallone, Mark	10		
Woodcock, Stephen L.	11		
Ladd, Rick M.		1	
Cordelli, Glenn		2	
Elliott, Robert J.		3	
Boehm, Ralph G.		4	
Wolf, Dan H.	12		
Allard, James C.		5	
Forsythe, Robert L.		6	
Lekas, Alicia D.		7	
TOTAL VOTE:	13	7	

WOODS

Hoelzel

Rep. Wolf, Merr. 5
Rep. Shaw, Hills. 16
Rep. A. Lekas, Hills. 37
April 23, 2019
2019-1611h
06/08

Amendment to SB 142-LOCAL

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13 II. A school district may seek grants or partner with a non-profit or community-based
14 organization to fulfill this obligation.

15 2 Effective Date. This act shall take effect upon its passage.

Amendment to SB 142-LOCAL

- Page 2 -

2019-1611h

AMENDED ANALYSIS

This bill requires school boards to make available menstrual hygiene products, free of charge, in restrooms designated for girls and gender-neutral restrooms located in public schools.

Rep. Luneau, Merr. 10
Rep. Tanner, Sull. 9
Rep. Woodcock, Carr. 2
April 11, 2019
2019-1478h
06/10

Amendment to SB 142-LOCAL

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15 school district may seek grants or partner with a non-profit or community-based organization to
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Amendment to SB 142-LOCAL

- Page 2 -

2019-1478h

AMENDED ANALYSIS

This bill requires school boards to make menstrual hygiene products available, free of charge, in restrooms designated for girls and gender-neutral restrooms located in public middle and high schools.

HOUSE COMMITTEE ON EDUCATION
EXECUTIVE SESSION on SB 142-LOCAL

BILL TITLE: requiring feminine hygiene products in school restrooms.
DATE: April 18, 2019
LOB ROOM: 207

MOTION: RECESSED TO APRIL 30, 2019 AT 10:00 a. m.

Vote: 12-8

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda Tanner", written in a cursive style.

Rep Linda Tanner, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on SB 142-LOCAL

BILL TITLE: requiring feminine hygiene products in school restrooms.

DATE: 4/18/19

LOB ROOM: 207

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. WOODCOCK Seconded by Rep. Tanner Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # 1478b
 Interim Study (2nd year) (if offered)

Moved by Rep. Tanner Seconded by Rep. WOODCOCK Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ___ YES ___ NO

Minority Report? ___ Yes ___ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Linda P. Tanner
Rep Linda Tanner, Clerk

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON SB 142-LOCAL

BILL TITLE: requiring feminine hygiene products in school restrooms.

DATE: April 3, 2019

LOB ROOM: 207 **Time Public Hearing Called to Order:** 2:08 PM

Time Adjourned: 3:21 PM

Committee Members: Reps. Ladd, Myler, Luneau, Shaw, Cornell, Doherty, Le, Ellison, Mullen, Riel, Vallone, Woodcock, Cordelli, Elliott, Boehm, Wolf, Allard and A. Lekas

Bill Sponsors:

Sen. Hennessey

Sen. Levesque

Sen. Cavanaugh

Sen. Feltes

Sen. Fuller Clark

Sen. Kahn

Rep. Campion

Rep. Josephson

Rep. Mulligan

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Senator Martha Hennessey, Sponsor of bill - This issue was brought to her attention by high school girl. Affording supplies in first world; girls missing school; can get from nurses office but humiliating. Laws mandate in prisons and public buildings. Should include amendment.

Q. Rep. Boehm - Any limits on taking freebies?

A. To start maybe 0 machine products are more emergency grade - not preferred.

Q. Rep. Le - % of NH women affected?

A. Too hard to track.

Caroline Dillon, High Schooler - Supports the bill. Cost factor(main opposition). From Rochester (sig. and low income.) Use alternative products/not sanitary. Rochester budget 70,000,000. 4,000 in provision (0.0006%) for female hygiene. Cost of not making products available. Impacts cost of lower education. Period 36 days per year (\$3,600 lost per day.) Waste of tax dollars. Local high school teacher did survey - 1 out of 5 girls can't afford and stay home. Positive impact on girls in Rochester.

Q. Rep. Elliot - Shall v. May?

A. Must go to school, so must not impose.

School in violation of DOES rules.

Right of action against.

Q. Rep. Boehm - Number of students in Rochester?

A. 1,200-1,300 students. (\$2,700/year)

Q. Rep. Woodcock -Any other schools involved?

A. None known.

Rep. Mary Jane Mulligan - Supports the bill. Boys have urinals - why can't women have same accommodation? Puts pressure on girls/keeps them from school.

Q. Rep. Boehm - Violate constitution mandate?

A. Increase in money does not violate constitution.

Rep. Latha Mangipude - Engaged in supporting program and to help girls in India. In Nashua, girls in wealthy elementary school need program. Poverty has no boundaries. Happy to set NGO from India to NH too.

SB 142 - Local - Page Two

Rep. Terry Wolf - Opposes the bill. Never been aware of the issue. Why no fiscal note? How many missed? Would a targeted program make more sense? Implementation could be issue. Desires ITL.

Q. Rep. Cordelli - Based on Bedford school board, could you be compliant?

A. No - too large.

Q. Rep. Le - Did Bedford consider rationing toilet paper? Send students to nurses office?

A. Didn't talk/girls help each other.

Deborah Jordan - Supports the bill. Global menstrual hygiene and delivery of products. Issues with predictability/regulation. Most women have brand preferences. Keep burden on women (not priority.) Make some numbers subtract from nurses cost. Number of products and number of girls. Real issue is does NH want to be a leader or a follower of this issue? Bipartisan agreement across states

Q. Rep. Lekas - Is school funding in nurses' supplies adequate?


A. Not now.

***Jennifer Frizzell, NH Women's Foundation** - Supports the bill. \$7-10 pp /p mo. for products. Reinforces cycle of poverty and health issues. Baseline public health issue. Suggested edits on page 2 of written testimony. Districts could partner with organizations to supply/differ some costs.

* **Megan Tuttle** - Written testimony only

* **Jeanne Hruska, ACLU-NH** - Strongly supports the bill. About dignity and menstrual equity. Teachers may pay for it. Increased attendance when having supplies - you have to be present to be educated - part of schools obligation.

Respectfully Submitted,



Rep. Tamara Le, Acting Clerk

PRO - 20

CON - 0

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON SB 142-LOCAL

BILL TITLE: requiring feminine hygiene products in school restrooms.

DATE: April 3, 2019

ROOM: 207

Time Public Hearing Called to Order: 2:08 pm

Time Adjourned: 3:21

(please circle if present)

blue sheet

PRO: 20
CON: 2

Committee Members: Reps. Myler, Luneau, Tanner, Shaw, Cornell, Doherty, Le, Ellison, Mullen, Riel, Vallone, Woodcock, Ladd, Cordelli, Elliott, Boehm, Wolf, Allard, Forsythe and A. Lekas

Bill Sponsors:

Sen. Hennessey
Sen. Feltes
Rep. Campion

Sen. Levesque
Sen. Fuller Clark
Rep. Josephson

Sen. Cavanaugh
Sen. Kahn
Rep. Mulligan

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

SEN. HENNESSEY

- Brought to her attention by high school girl
- Affording supplies in first world; girls missing school; can get from nurses office but humiliating
- laws mandate in prisons & public buildings
- should include amendment

Rep Boehm -

Q. Any limits on taking freebies?

A. To start maybe - malline products are more emergency grade - not preferred.

Rep Le -

Q. % of all women affected?

A. Too hard to track

EB 1A2-2

pg. 2

- (2) Caroline Dillon, High Schooler
- Cost factor (main opposition)
 - - From Rochester (sig. & low income)
 - ↳ use alternative products / not sanitary
- Rochester Budget 70,000,000

4,000 → provision (.0006%)
for female hygiene

- cost of not making products available
impacts cost of ↓ education
period 36 days per year (\$3600 lost per day)
waste of tax dollars

Local high school teacher did survey →
1 of 5 girls can't afford & stay home
* positive impact on girls in Rochester

Rep Elliott

Q: Shall vs. may

A: Must go to ~~the~~ school, so must not impede

- < school in violation of DOE rules
- right of action against

Rep Boehm

Q: # of students in Rochester?

A: ~~12~~ 12-1300 students

(\$ 2700 / year)

Rep Woodcock

pg. 3

Q: Any other shorts involved?
 A: None known

~~Rep Mulligan~~
~~Q: Any other shorts involved?~~

(3) Rep Mulligan, Mary Jane

(+) Support → boys have urinals - why can't women have same accommodation?
 - puts pressure on girls / keep from school

Q: Brellum - violate constitution mandate?
 A: Increase of it does not ~~not~~ violate constitution

(4) Rep Latha Mangipudi

(+) engaged in supporting program to help girls in India - in Nashua girls in wealthy elementary school need program.
 - Poverty ~~has~~ has no boundaries
 * - Happy to get NGO from India to set to

(5) Hon. Tony Wolf

(-) opposed / never been aware of issue
 why no fiscal note? transcript missed?

142-L
pg 4

Would a targeted program make more sense? Implementation could be issue.
Resius 172

Rep Cordelli

Q. Based on Bedford School Board could you be compliant?

A. No - too large

T.P.

Rep W

Q. Did Bedford consider ~~rationing~~ ^{rationing} ~~subscriptions~~ ^{subscriptions}

Toilet Paper

T.P.? Send students to nurses office?

A. - Didn't train / girls help take away

(6) Deborah Jordan Brooks

- Global Menstrual Hygiene & delivery of products

- Issues with predictability / regulations.

- Most women have brand preferences

- Keep burden on women (not priority)

- Make sure numbers subtract nurses, cost & amount of product & # of girls

- real issue is does NH want to be a leader or a follower on this issue?

→ Bipartisan agreement across states

Q. Rep Velas

Is school funding for menstrual supplies adequate?

A. Not know.

- ⑦ Jennifer Frizzell, NH Women's Foundation
\$7-10 (p.p/p.mo. for products
↳ reinforces cycle of poverty
& health issue
- baseline public health issue
 - suggested edits on page 2 of written testimony
 - * - Districts could partner with organizations to supply / defer some costs

⑧. Megan Tuttle - written

⑨. Jeanne Hunsler

- Strongly support
- about dignity & menstrual equity
- teachers may pay for it.
- ~~implement~~ increased attendance in having supplies - you have to be present to be educated - part of school's obligation to

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 142 - Social Date April 3, 2019
 Committee Education

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Senator Jay Kahn			SD#0	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maura Killing	Concord		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cheri Falk	Wilton		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Louise Spencer	Concord		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wendy Spencer	Concord		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Melissa Hinebauch	Concord		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Megan Tuttle			NEA-NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Mary Jane Mulligan	Haver/Lyme			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Melanie Levesque			SD#12	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nicole Heimarch			NHSBA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Prudhomme Obrien			Devry Rep	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christine Cheasin			self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Polly Cannon			Crafton #12	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Ratha Mangipudi			Hills 35	<input checked="" type="checkbox"/>	<input type="checkbox"/>
R. Clark	Concord		RAD NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Debra Altschiller	stratham		Rockingham 19	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Terry Wolf				<input type="checkbox"/>	<input checked="" type="checkbox"/>
Kayla Montgomery	Planned Parenthood		NH AF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Keith Kunning	Waypoint			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kathy Cahill	Concord		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Karla Dillon	Rochester		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Elizabeth JOHNSON Brooks	WANDUSET NH		SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Testimony

SB 142, *requiring feminine hygiene products in public school*

Nancy Tuttle [ntuttle@sau21.org]

Actions

In response to the message from Le, Tamara, Thu 4/11

To: Le, Tamara

Tuesday, April 16, 2019 10:30 AM

Hi Tamara

Here is what we have for estimated annual costs.

District	#	Toilet Paper	Feminine Hygiene Products
Hampton Falls	236 (K-8)	\$750	\$20 (usually receives free samples)
North Hampton	377 (PreK-8)	\$1,900	\$100
Seabrook	692 (PreK-8)	\$4,500	\$40
South Hampton	99 (K-8)	\$500	\$15
Winnacunnet*	1,098 (9-12) <i>*includes 530 from Hampton</i>	\$4,400	\$450
SAU21 TOTAL	2502 students	\$12,050	\$625
		$\$12,500/2502 = \$5/\text{MF student}$	$\$625/1251 = \$0.50/\text{F student}$

Le, Tamara

To: ntuttle@sau21.org (Nancy Tuttle, SAU21 Finance Manager)

Attachments:

[SB 142.pdf \(92 KB\)\[Open as Web Page\]](#)

Sent Items

Thursday, April 11, 2019 5:34 AM

Good morning Nancy!

I hope this finds you well. Am hoping you or someone in your office may be able to help me with some financial impact info regarding a proposed bill currently in the House Ed Committee (it has passed the Senate 17-6).

The proposed legislation, SB 142, *requiring feminine hygiene products in public school restrooms* makes a compelling case around "period poverty," and subsequent health issues and lost days in school.

My questions are about money. What would the estimated cost be to supply all relative schools in SAU21 (economical grade) feminine hygiene products? Broken down by school? And subsequently in comparison, what is the total cost of toilet paper for the SAU/schools?

Any info you can help me with (without spending a lot of time on researching!) would be of great help. The Bill is being exec'd the 18th.

Thank you!

Kindest regards,

*Tamara Le, NH State Representative
Serving North Hampton, Portsmouth W3, Greenland, Newington
Assistant Majority Floor Leader
House Education Committee
Chair, Bipartisan Legislative Disability Caucus*

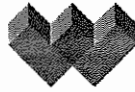
What constitutes an unfunded mandate in violation of Part I, Article 28-a of the New Hampshire Constitution?

The NH Supreme Court has held that an unfunded mandate exists when: (1) the State mandates or assigns to a local subdivision; (2) a program or responsibility; (3) that is new, expanded or modified from what existed before the state action; and which (4) necessitates additional expenditures by the local subdivision.

But where a local subdivision has historically had responsibility for the subject matter of the mandate, some change in the scope of that responsibility (including an increase in financial responsibility) does not result in a violation of Article 28-a.

In *City of Concord v. State*,¹ the court held that an increase in expenditures alone is not dispositive of whether a program or responsibility has been expanded or modified. In that case, the court held the State's shifting of some financial obligation for funding the NH Retirement System from the State to the local subdivisions without altering any underlying activities did not violate Article 28-a.

¹ 164 N.H. 130 (2012).



new hampshire

WOMEN'S FOUNDATION

142-2

①

To: Chairman Mel Myler and the House Education Committee

Re: Testimony in Support of Senate Bill 142

Date: April 3, 2019

Position: OUGHT TO PASS

Background

The New Hampshire Women's Foundation invests in equality and opportunity for women and girls through research, education, advocacy, and philanthropy. There are few, if any, issues that so uniquely highlight gender disparity than the economic and health costs of menstruation, pregnancy prevention and childbearing. While we seem to openly discuss access to birth control and maternity care and the costs associated with them in the public health and public policy arena, as a society we have a shyness or in some instances as stigma when it comes to speaking openly about menstruation and the monthly hardship it can present for women, and especially school-age girls. This bill is part of a larger public conversation that is emerging in the policy arena and non-profit sector toward lessening these financial and medical inequities and schools are a critical place for such an intervention.

The Cost of Menstrual Hygiene Products Can Present Economic Hardship for Young Women

Women who experience menstruation know how uncomfortable periods can be. Now imagine not being able to afford basic necessities like sanitary pads or tampons. It is estimated that the cost of obtaining one month's supply of menstrual care products averages \$7 – 10 per female in a household. For many low-income households, especially those with more than one female of reproductive age, this expense can present a real hardship and for some the situation is so dire that it results in them skipping school for several days each month – a pattern sure to reinforce the cycle of poverty.

Poor Menstrual Health and Hygiene Are Predictors of Longer-Term Medical Problems

When forced to deal with their periods with an adequate supply of hygiene products, young women resort to using rags, socks or reusing sanitary pads beyond their recommendation duration. Over an extended span of time these survival tactics can increase risk of urinary tract infections, bacterial infections, cervical cancer and toxic shock syndrome. Some of these conditions contribute to infertility.

Related Shame and Isolation Can Limit Educational and Economic Attainment for Low-Income Girls

A recent survey of Confidence in Puberty¹ among teenage girls revealed that nearly one in five American girls have either left school early or missed school entirely because they did not have access to period products. At puberty, a girl's confidence plummets with the onset of menstruation marking the lowest moment for many girls. But the drop in confidence is much worse for girls that lack access to menstrual supplies. It can force her to miss out on important confidence-building activities in the classroom, on the athletic field, and in extra-curricular programming. Missing out on this crucial learning and development will limit her potential far beyond puberty.

While lack of access to menstrual hygiene products has typically been associated with girls in other countries, this period poverty is also happening right here in the United States and here in New Hampshire.

Conclusion

The New Hampshire Women's Foundation encourages your support for this bill and will be pleased to work further with legislators toward its enactment. We thank you for the opportunity to provide testimony and urge you to vote favorably on this proposal.

Respectfully Submitted



Jennifer Frizzell

Director of Policy

jennifer@nhwomensfoundation.org

603.340.1593

¹ Always Confidence and Puberty Study, Nov. 2017; based on females 16-24 years old; 2016 U.S. census.



new hampshire

WOMEN'S FOUNDATION

Suggested Edits.....

Senate Bill 142
STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT requiring menstrual hygiene products in school bathrooms.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

1 New Section; Menstrual Hygiene Products. Amend RSA 189 by inserting after section 16 the following new section:
189:16-a Menstrual Hygiene Products. The school district shall make menstrual hygiene products available at no cost in all bathrooms designated for females located in public middle and high schools.

(1) Menstrual hygiene products shall include sanitary napkins and tampons.

(2) The school district shall bear the cost of supplying such products. However, nothing shall limit the ability of a school district to partner with a non-profit or community-based organization to fulfill this obligation.

2 Effective Date. This act shall take effect upon its passage.



142-FN
(9)

**Statement by Jeanne Hruska, Political Director ACLU-NH
House Education Committee
Senate Bill 142
April 3, 2019**

I submit this testimony on behalf of the American Civil Liberties Union of New Hampshire (ACLU)—a non-partisan, non-profit organization working to protect civil liberties throughout New Hampshire for over fifty years. I appreciate the opportunity to testify today in support of SB142 and in support of student dignity and economic justice.

For families that are living paycheck to paycheck, expenses must be prioritized: rent, food, heat, electricity, gas, health care, and other family musts. Tampons probably do not make the top of the list. And yet, for girls in middle and high school, feminine hygiene products are a basic necessity. Without such basic products, going to school either isn't an option or it becomes eight endless, distracted hours of humiliation as students hope their one tampon will get them through the day.

This dynamic is sometimes called “period poverty.” We would rather talk about “menstrual equity.” A woman’s access to tampons and pads relates directly to her health, economic well fare, and education potential.

Tampons and menstrual pads are not luxury items. These are not fad items that the cool kids have. They are not even a convenience like a backpack. They are necessities, like toilet paper. Moreover, they are a public health and safety necessity. It is unsanitary and unsafe to not regularly change tampons or pads, and yet too often students will try to make just one last an entire school day, because going without means either staying home from school or utter, public humiliation.

Put simply, this bill is about human dignity. It is about our schools recognizing the dignity of half of their student population. In our society, women are taught to hide any evidence of their periods. We are not supposed to talk about that time of the month. Even the words feminine hygiene products are an attempt to prevent having to say tampon or pad. If such products were provided, were a regular part of going to school, it would make strides in removing the stigma associated with something half the student population has in common, cannot change, and is a regular, biological fact of life.

This bill does impose a financial burden on schools. We understand that our schools are already under immense financial strain and that every additional expense must be put under a microscope. We would argue that even under a microscope, tampons and pads should be considered a budgetary necessity. No matter how tight the budget, schools would never require their students to go without toilet paper – or bring their own. We would offer that the same

analysis should be applied to tampons and pads. They are no less necessary or critical to basic student dignity and public health.

Schools and cities that have taken on this responsibility and provided free tampons and pads have seen increased student attendance and productivity as a result. A handful of schools in Queens, NY, piloted a program in 2015 to provide free feminine hygiene products in the bathrooms. Attendance rates rose from 90 percent to 92.4 percent in just six months. Other programs have shown similarly positive results. For women, this doesn't come as a surprise. Removing the stress of having to worry about where your next tampon is going to come from allows a student to go to school with confidence and to focus on schoolwork.

Please, support students by ensuring that they can go to school every day of the month, by ensuring that no student has to sit in class afraid to stand up because of stains, by protecting public health in schools, and by ensuring student dignity. For these reasons, the ACLU-NH respectfully urges the members of this committee to vote *ought to pass* on SB142.

142-FX
8

Talking Points SB142

This bill requires school boards to make feminine hygiene products available, free of charge, in girls restrooms located in public middle and high schools.

On websites promoting our state, we boast that most workers in New Hampshire have a Bachelor of Arts degree or higher, and that we maintain a unique quality of life with excellent school systems, quality healthcare, accessible airports, and a lower cost of living than surrounding states.

New Hampshire is a healthy, low crime state with mountains, beaches, beautiful lakes, great hikes, and fall foliage that attracts visitors from thousands of miles away.

New Hampshire always scores in the top 4 or 5 when it comes to poverty, safety, schools, livability, health, and family well-being.

By most measures, we offer some of the highest quality of living measures in the country.

But in New Hampshire, some middle and high school girls have to either miss school because of their monthly periods or leave class to go to the nurse's office and wait in line to get access to feminine hygiene products.

Going to the nurse a few times a day for feminine hygiene products takes away from instructional time and detracts from a students' rights to an education.

At its core, it is an issue of dignity for the student. It's time to end period poverty and the period stigma. We believe that feminine hygiene is a right, not a privilege, and that every person should be able to discover and reach their full potential, regardless of a

natural need. Lack of access to feminine hygiene products creates a barrier to equal opportunity in education.

Our public schools have an obligation to serve every student equitably, and this bill allows us to keep the promise of a quality education for ALL students.

We urge you to support and pass this measure.

Thank you.



SK 142
①

February 5, 2019

Rochester School District has been a Citron Hygiene customer since 2009. Recently, our partnership was further solidified when the school district made menstrual hygiene products free and available to all middle school and high school students.

The students were the driving force behind this initiative. Rochester cares about their students and we wanted to support these schools. Product vending machines are serviced for 10 months out of the year (no services in summer). With a need of seven machines, the Rochester School District was not able to fit the cost into their budget. However, we found a way to lower the costs of the hygiene services we provide the schools with in order to make room in the budget for the vending machines. As a result, Rochester was able to put 13 machines into the restrooms of their schools. Eight vending machines were installed at the middle school and five machines were installed at the high school.

After the installation of the product vending machines, Rochester's middle school and high school received great, positive reviews. Parents of middle school students, particularly mothers with daughters, were grateful to see their children's school looking out for their health and hygiene. Students were happy to have the menstrual hygiene products they needed and the convenience of having them in the restrooms. They no longer needed to go to the nurse's office if they did not have their own pads or tampons on hand. At the high school, students were thrilled about the vending machines. They took to social media with positive comments and praising their school's new effort to help their students. Teachers in this district were just as happy and excited as their students about this progressive move. Everyone agrees that the machines are fulfilling a need and students are using them effectively.

For over 40 years, Citron Hygiene has been at the forefront of menstrual hygiene and has done more than provide vending machines stocked with pads and tampons. For many of our clients, in all types buildings, and with large and small populations, we provide a safe, hygienic method of disposal. Our disposal units protect users from potentially harmful waste, preserve building infrastructure by keeping pads and tampons out of plumbing, and preventing pollution by keeping these products out of local waterways. Our company understands what it takes to accommodate menstrual hygiene in various environments.



We hope our partnership with the Rochester School District has been enlightening today. After seeing such a positive impact in Rochester, we would ask that other schools consider providing the same for their students. Thank you for your time.

Sincerely,

Citron Hygiene



SB 142 (D)

City of Rochester School Department

Mr. Michael Hopkins
Superintendent of Schools
e-mail: hopkins.m@rochesterschools.com

Mr. Kyle M. Repucci
Assistant Superintendent of Schools
e-mail: repucci.k@rochesterschools.com

Ms. Linda Bartlett
Business Administrator
e-mail: bartlett.l@rochesterschools.com

Mrs. Christiane Allison
Director of Student Services
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Office of the Superintendent
150 Wakefield Street
Suite #8
Rochester, NH 03867-1348
(603) 332-3678
FAX: (603) 335-7367



1/30/19

Letter of support for SENATE BILL 142-LOCAL

To Whom It May Concern:

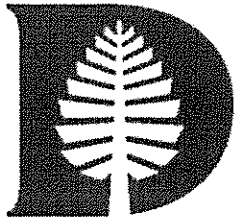
It is with great pride that I write this letter of support for Senate Bill 142 - Local. Caroline Dillon, a Spaulding High School senior, has done an amazing job informing me and our local school board about the need and unfortunate health issues related to period poverty. As a school leader I was so impressed with her enthusiasm, knowledge, and compassion for fellow peers who made be in need. Similarly, our local board was impressed and ultimately made the decision to move forward with supporting female students at Rochester Middle School and Spaulding High School with feminine care products by using current budget money for this need in our girls' bathrooms.

The legislation brought to you today by Caroline and others would allow all female students in New Hampshire to be supported as well as ease the financial impact to those under resourced females who may not have access to much needed supplies. This legislation would allow all female students to not worry about their health while they are focusing on their education and future success.

Thank you for considering this bill. If it passes, New Hampshire will continue to be a leader in all things related to education in our nation. Please convey my wholehearted support for its passage to the relevant legislative committees and leaders.

Sincerely,

Kyle Repucci
Assistant Superintendent



DARTMOUTH

Deborah Jordan Brooks
Associate Professor
Department of Government

6108 Silsby Hall, Hanover, NH 03755
603-646-3919
Deborah.J.Brooks@dartmouth.edu

SB 142-L
(1)

April 3, 2019

To the New Hampshire House Education Committee:

My name is Deborah Jordan Brooks, and I am an associate professor of Government at Dartmouth College. I am also the Faculty Coordinator for Gender-Based Initiatives for Dartmouth's John Sloan Dickey Center. I am testifying to recommend that the New Hampshire legislature support SB 142, a bill designed to provide menstrual supplies at no cost to students in its public secondary schools.

As an extension of my study of women, leadership, and female empowerment, I have been working with a team of undergraduate students at Dartmouth to create a website designed to help provide needed information about menstrual hygiene around the world.¹ Our website (www.IMHER.net – International Menstrual Hygiene Entrepreneurship Roundup) officially launched on April 2, 2019.

Most of our work to date has been focused on improving access to sanitary products and menstrual hygiene education in African, Asian, and South American countries. However, the reality is that many of those very same challenges are also faced right here in our home state.

Poverty resides at the core of most menstrual product access issues everywhere. Whether in Nigeria, Nepal, or New Hampshire, a menstruator who cannot afford sanitary products is likely to face enormous personal and economic stress over the situation, potentially compromising their ability to participate in public life. This tends to be a demoralizing challenge shared globally by girls and women who face economic hardship.

As such, I am writing to strongly recommend that the New Hampshire State Legislature support legislation to provide free menstrual supplies to students in our state's schools as proposed in SB 142.

I should note that I am recommending this from the great privilege of working at an institution – New Hampshire's own Dartmouth College – where at least some of our women's bathrooms have a basket or machine filled with free sanitary products available to employees, students, and visitors. Every such basket is a powerful daily reminder to Dartmouth's women that the institution cares about their needs and academic experience in a very simple yet incredibly fundamental way.

¹ This project is rooted in collaborative work with the YALI (Young African Leaders Initiative) Mandela scholars who have come through the Dickey Center over the years.

KEY FACTS ABOUT MENSTRUATION:

- **Most women experience menstruation for a large proportion of their lives.** The United Nations Population Fund estimates that the average woman will have her period for a total of 2,535 days, or 7 years of her life.²
- **Menstrual pads are costly for those in poverty.** In the U.S., a supply of menstrual products is often assumed to cost an individual buyer roughly \$7 per month, or \$84 per year at retail prices (wholesale prices would be considerably lower).³
- **No safety net exists for menstrual products.** Despite the clear necessity of menstrual products, tampons and pads are classified as ineligible for SNAP and WIC subsidies and cannot be purchased with EBT cards, on par with pet food, cigarettes, and alcohol.⁴
- **For women in need, menstrual products come at the cost of other needs.** Research from the organization Feeding America indicates that low-income families face far greater challenges than their higher-income counterparts in buying feminine hygiene products. Some of the women interviewed reported that they delayed or skipped required payments, such as rent, to be able to buy basic essentials such as menstrual products.⁵
- **Embarrassment about menstruation often precludes getting help from school administrators.** Menstrual stigma can make it difficult for female students to ask peers, teachers, and administrators for help accessing sanitary products, meaning that it may be harder for lower-income students to acquire these products than it would be to obtain non-menstrual supplies such as pencils and notebooks.

DOING WITHOUT

While this expectation has been changing rapidly, most governments across the world and throughout history have expected menstruators to find their own sanitary products, or else do without them.

However, partially due to the stigma associated with acknowledging menstruation, bleeding openly without using menstrual products is not a realistic option for anyone who wants to attend school or

² <https://esaro.unfpa.org/en/news/celebrating-menstruation-menarche-menopause>

³ See <https://www.self.com/story/this-is-how-much-your-period-costs>, which discussed the \$7 per month estimate calculated by the office of California assemblywoman Cristina Garcia.

⁴ See <https://www.harpersbazaar.com/culture/features/a10235656/menstrual-period-united-states/> and <https://www.tennessean.com/story/news/education/2018/08/14/lack-feminine-hygiene-products-keeps-girls-out-school/948313002/>.

⁵ See <https://www.tennessean.com/story/news/education/2018/08/14/lack-feminine-hygiene-products-keeps-girls-out-school/948313002/>.

hold a job. The process of making effective, hygienic sanitary pads for oneself at home can be challenging; it is rarely attempted in the U.S. and fails to be a satisfactory solution for many even in areas where self-made products are more common. In effect, a menstruator in America must be able to buy sanitary pads, tampons, or a menstrual cup in order to participate in society while they are bleeding.

The reality, however, is that some menstruators cannot afford pads at all, while others can afford them only at the expense of other life necessities and/or their quality of life. Anecdotal reports suggest that some girls and women around the world feel that they have to engage in degrading and/or dangerous work in order to obtain menstrual products, with some resorting to transactional sex (i.e., prostitution) to be able to buy or obtain sanitary pads.⁶ Furthermore, it is also reported that low-income menstruators often use pads and tampons for longer than the medically recommended amount of time in order to minimize cost, which can potentially result in negative health outcomes.⁷ Surveys and other sources frequently postulate that a lack of access to menstrual products may negatively affect school attendance rates,⁸ although it is the sense of many researchers that more studies would be needed to draw firm conclusions on this matter.⁹

In the U.S., many schools will provide menstrual products to girls in one-off cases or in “emergencies,” most likely through school nurses. However, the amount to which schools engage in these practices varies considerably, and some schools lack full-time school nurses to distribute such supplies.¹⁰ Moreover, some girls may feel too embarrassed to talk to school officials about their periods and menstrual needs, perhaps even more so when the issue pertains to the cost of menstrual products

Reliable research and statistics regarding the prevalence of these issues are in short supply, both in the U.S. and elsewhere in the world. Regardless, it is clear that an inability to afford sanitary products will produce considerable stress for any menstruator (and all the more so for students in middle school or high school, where the threshold for embarrassment tends to be notoriously low). Even on just that basis, providing sanitary supplies in school should be of interest to those committed to poverty reduction, academic equity, and female empowerment.

A COMPARISON: TOILET PAPER

Toilet paper can serve as a useful comparison to menstrual products.

Menstruation, urination, and defecation share many characteristics. They are natural, unavoidable, and sometimes messy bodily functions. Failing to address any of these issues in a sanitary manner

⁶ See <https://esaro.unfpa.org/sites/default/files/pub-pdf/UNFPA%20Review%20Menstrual%20Health%20Management%20Final%202004%20June%202018.pdf>. See also, <https://www.theguardian.com/global-development-professionals-network/2016/may/28/we-dont-know-enough-about-menstruation-and-girls-are-paying-a-price>.

⁷ Ibid.

⁸ Ibid.

⁹ See, for example, Hennegan and Montgomery 2016. (<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0146985>)

¹⁰ See, for example, <https://www.usnews.com/news/articles/2016-03-23/the-school-nurse-scourge>.

can compromise the health, comfort, productivity, and well-being of individuals and those around them.

In the U.S. and in most other developed countries, however, toilet paper and menstrual products are treated very differently. Toilet paper is regarded as a necessity for public life; there is an unstated recognition that societies and individuals benefit from the freely available nature of toilet paper. As such, toilet paper is provided by governments, employers, and many private businesses free of charge in public restrooms and government institutions (i.e., schools, prisons, government services buildings, etc.). Cutting funding for toilet paper is not regarded as an option, even when other cost-cutting measures are under consideration.

To be sure, menstrual products are more expensive than toilet paper. However, that is all the more reason to assist low-income individuals in purchasing these products.

Otherwise, the primary difference between toilet paper and menstrual products seems to be that males need to use toilet paper, but they do not need to use menstrual products. Indeed, some have argued that if males menstruated, governments would have addressed menstrual product needs by governments long ago.¹¹

AN EMERGING ROLE FOR GOVERNMENT

Recognizing this gender-based incongruity and the disproportionate economic burden it places upon females in society, governments around the world have been increasingly reexamining their role in the provision of sanitary products.

Sanitary supplies have long been treated as a source of government revenue and have been subjected to sales and VAT taxes. While this is not an issue in sales-tax-free New Hampshire, dramatic changes have been taking place worldwide, as many countries and U.S. states have reduced or eliminated taxes on menstrual products. To be clear, the majority of American states still tax menstrual products. However, dozens of bills have been introduced in recent years to eliminate state taxes on pads and tampons.

Many government agencies and institutions have also started recognizing their role in the provision of menstrual products to individuals in state institutions, such as prisons and public schools.

Reports suggest that many prisoners in the U.S. face desperate situations with respect to sanitary pads. While federal prisons have recently been directed to give pads and tampons to inmates free of charge, state and local prisons' practices vary greatly with respect to menstrual product distribution. Several states have recently mandated that their state prisons provide an adequate supply of free menstrual products for each inmate.

With respect to schools, some countries have recently mandated that school-age girls in government academic institutions be provided with sanitary pads (see, for example, Botswana, Kenya, Scotland,

¹¹ See The Guardian (<https://www.theguardian.com/commentisfree/2015/may/28/what-if-men-had-periods>.) Also see Gloria Steinem's 1978 essay, "If Men Could Menstruate" (<http://ww3.haverford.edu/psychology/ddavis/p109g/steinem.menstruate.html>).

and Zambia). U.S. states have been moving in this direction in recent years by providing free sanitary products to all girls (e.g., New York) or girls in schools with high rates of poverty (e.g., California, which provides free menstrual products to schools with poverty rates of 40% or greater).

WHY NEW HAMPSHIRE SHOULD ACT

It has become clear that change is in the air regarding menstrual issues, both in the U.S. and abroad.

What was once a “secret” and “private” problem is now being acknowledged publicly with greater frequency and urgency. Moreover, the increasing prevalence of women serving in elected or appointed office may help to keep this issue on the agenda. Neither of these trends seem likely to diminish in the coming years.

It is also the case that menstrual hygiene tends to be a relatively bipartisan issue in an increasingly polarized political sphere.¹² Supporting menstruators through relevant legislation provides an increasingly rare opportunity for legislators and their constituents to come together from across the aisle to address an issue experienced by about half of the population.

New Hampshire has an opportunity to act on menstrual product access in schools and related issues (i.e., sanitary product provision in prisons, supplies in state office buildings, puberty education, etc.). Doing so would help to demonstrate that our state is at the forefront of empowering all its citizens to participate fully in civic life.

Not only would providing sanitary products in schools help to directly address the unmet needs of schoolchildren in dire financial conditions, but it would also send a powerful message to all of New Hampshire’s roughly 40,000 female students in its middle and high school grades, their teachers, and their families. With this legislation, the state can signal that all of its students have an equal right to be able to focus on their academic work with confidence while learning in New Hampshire’s schools.

LEGISLATIVE CONSIDERATIONS:

- **Avoiding means-based distribution:** New Hampshire should avoid policies rooted in income-based distributions of menstrual products.

Requiring students to request menstrual products from school officials based on individual need is likely to deter a great many girls from getting the help that they need.

However, the alternative of school-based income thresholds (i.e., the 40%+ school-based poverty level requirement in California) rather than individual-level means testing excludes the needs of low-income girls living in high-income school districts, where feelings of marginalization and exclusion on this issue for low-income girls can also be problematic.

¹² See, for example, Newsweek, May 8, 2017, “Periods, Policy, and Politics; Menstrual Equity is the New Thing.”

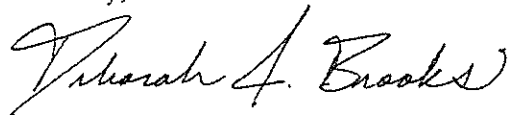
Having readily accessible menstrual products available to all addresses challenges of forgotten products faced by many menstruators.

- **Products should be provided for both middle school and high school girls:** The average age of menstruation is roughly 12 years old (i.e., 6th to 7th grade), but the age of onset can be highly variable. If products are to be provided, they should be distributed in middle schools and high schools.
- **Employee provisions:** The costs of providing sanitary products not just to students, but to teachers and other school employees as well, should be considered. The marginal additional cost to the state of providing supplies to all menstruators within New Hampshire schools is likely to be relatively modest in practice. Additionally, the logistics of distribution would be considerably easier if these products are made available to all.
- **Access to products in bathrooms AND from school nurses:** Consider mandating that menstrual products be made available both in girls' bathrooms and upon request from the school nurse's office, rather than just one or the other. In the event that a student does not feel comfortable using the women's restrooms in their school or is unable to do so for any reason, having multiple options would provide an alternative access route.
- **Providing pain relievers in schools:** Menstrual pain can also be a serious distraction from learning, and the degree of pain experienced by different menstruators can vary significantly. Beyond the fact that income inequality complicates students' ability to access pain relievers, school rules often limit students from bringing their own medications to school. Guaranteeing students adequate access to pain relief from school health offices is an important part of addressing menstrual needs in educational settings.
- **Language:** The term "menstruators" should be considered rather than "girls" and/or "women." For one, it more accurately captures the fact that not all girls and women menstruate at a given point in their lives. Additionally, while menstruation is *primarily* experienced by women, it is not *exclusively* experienced by women. Some trans men and non-binary individuals also menstruate, and increasing activism around the issue in recent years has led to a growing public recognition of this previously invisible challenge.¹³ As such, to the extent feasible, it would be more accurate to use the term "menstruators" rather than "women" and/or "girls" in legislation. (If fully inclusive gender-neutral language is deemed infeasible, the term "females" should be considered in place of "women" and/or "girls.")
- **Funding:** Most schools are already paying for some menstrual products when they make supplies available through school nurses. Demand is likely to rise somewhat as less embarrassment is involved in obtaining those products; however, it is unclear what the differential cost will be. Regardless, this would seem to be a role for state - rather than local - funding, especially since demand for school-provided menstrual products is likely to be greatest in the highest-poverty schools that typically have the most tightly-stretched budgets.

¹³ See, for example, this editorial written by Cass Bliss, a nonbinary trans menstruator: https://www.huffingtonpost.com/entry/nonbinary-period-menstruation_us_5b75ac1fe4b0182d49b1c2ed.

As a professor at Dartmouth, as a citizen of New Hampshire, and as the mother of teenage girls, I appreciate that the New Hampshire Legislature is considering these issues in its deliberations. Please let me know if you have any questions about this issue.

Sincerely,

A handwritten signature in cursive script that reads "Deborah A. Brooks". The signature is written in black ink and is positioned above the printed name.

Deborah Jordan Brooks

142 L

(5)

SB142

I am here to speak against SB142. I am a former school board member and legislator from Bedford.

I've never heard of this as an issue and I've been involved in education policy for over 15 years

There are so many issues that we do talk about – reaching different learners, school discipline, professional development for teachers and staff, healthy food, anxiety and depression... the list goes on and on.

Every school district is different and even schools within a district have the own unique personalities and different needs.

Since I've never heard of this an issue in NH, I've been doing some research.

There is no doubt there is a movement in the country for schools and universities to provide menstrual products for free, for a variety of reasons. There are even groups that advocate that offices provide supplies at work.

My main concern here is local control. I was surprised there was no fiscal note – there absolutely will be a cost, especially in larger school districts.

I haven't seen any numbers in relation to how many students miss school because they cannot afford menstrual supplies, so I've put together estimates based on all female students.

	Middle School	High School	Total Student	Est Girls*	Cost @ \$3 per student for 10 month	Cost @ \$5 per student for 10 months
New Hampshire	32,249	55,750	87,999	44,000	\$1,320,000	\$2,220,000
Berlin	264	383	647	324	\$9,720	\$16,200
Bedford	731	1,525	2,256	1,128	\$33,840	\$56,400
Claremont	400	541	941	471	\$14,130	\$23,550
Manchester	2,921	3,974	6,895	3,448	\$103,440	\$172,400
Nashua	2,415	3,548	5,963	2,982	\$89,460	\$149,100

*Assumes girls are 50% of population; enrollments from Department of Education – October 2018

Advocacy groups estimate anywhere from \$5-10 per month. I used low estimates of cost, just to provide an example. This does not include costs for wall-mounted dispensers or for installation. Estimates for wall-mounted dispensers (ranging \$300-\$400 per dispenser) If you look at the estimates, that is a lot of money to push on to a school district, especially if we don't know that it's necessary.

What constitutes an unfunded mandate in violation of Part I, Article 28–a of the New Hampshire Constitution?

The NH Supreme Court has held that an unfunded mandate exists when: (1) the State mandates or assigns to a local subdivision; (2) a program or responsibility; (3) that is new, expanded or modified from what existed before the state action; and which (4) necessitates additional expenditures by the local subdivision.

But where a local subdivision has historically had responsibility for the subject matter of the mandate, some change in the scope of that responsibility (including an increase in financial responsibility) does not result in a violation of Article 28–a.

In *City of Concord v. State*,¹ the court held that an increase in expenditures alone is not dispositive of whether a program or responsibility has been expanded or modified. In that case, the court held the State's shifting of some financial obligation for funding the NH Retirement System from the State to the local subdivisions without altering any underlying activities did not violate Article 28-a.

¹ 164 N.H. 130 (2012).

Bill as
Introduced

SB 142-LOCAL - AS AMENDED BY THE SENATE

02/14/2019 0306s

2019 SESSION

19-1107
06/08

SENATE BILL ***142-LOCAL***

AN ACT requiring feminine hygiene products in school restrooms.

SPONSORS: Sen. Hennessey, Dist 5; Sen. Levesque, Dist 12; Sen. Cavanaugh, Dist 16; Sen. Feltes, Dist 15; Sen. Fuller Clark, Dist 21; Sen. Kahn, Dist 10; Rep. Campion, Graf. 12; Rep. Josephson, Graf. 11; Rep. Mulligan, Graf. 12

COMMITTEE: Education and Workforce Development

AMENDED ANALYSIS

This bill requires school boards to make feminine hygiene products available, free of charge, in girls restrooms located in public middle and high schools.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT requiring feminine hygiene products in school restrooms.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Feminine Hygiene Products. Amend RSA 189 by inserting after section 16 the
2 following new section:

3 189:16-a Feminine Hygiene Products. The school board shall make feminine hygiene products
4 available free of charge in girls bathrooms located in public middle and high schools. The schools
5 shall bear the cost of such products.

6 2 Effective Date. This act shall take effect upon its passage.