

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: December 7, 2021

SUBJECT: Report on Bill 24-158, “Expanding Student Access to Period Products Act of 2021”

The Committee of the Whole, to which Bill 24-158, “Expanding Student Access to Period Products Act of 2021” was referred, reports favorably thereon with technical amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On September 11, 2020, Bill 23-887, the “Expanding Student Access to Period Products Act of 2020” was introduced by Councilmember Brooke Pinto and former Councilmember David Grosso. On March 24, 2021, a revised and expanded version of Bill 23-887 was re-introduced by Councilmembers Pinto, Bonds, Silverman, Henderson, Nadeau, Cheh, Lewis George, and Gray as Bill 24-158 with the same title, “Expanding Student Access to Period Products Act of 2021.” As introduced, Bill 24-158 requires the provision of free period products in District public, public charter, and private schools and post-secondary institutions. The legislation also requires that the District of Columbia’s Office of the State Superintendent of Education (OSSE) develop and implement comprehensive menstrual health education standards.

Period poverty is often discussed as a challenge for women in developing countries -- approximately 500 million women and girls lack access to menstrual hygiene -- but it also impacts millions of women, girls, and transgender men in the United States. Nearly 1 in 5 American girls have missed school because of a lack of access to period products. While there is a lack of research on the impacts of period poverty on students in Washington, DC, experts have found that period poverty is closely aligned with food insecurity, which would indicate that roughly 10.6% percent of residents

experience period poverty. Data also shows that expanding students' access to period products reduces school absences.

During a public hearing on the "Expanding Student Access to Period Products Act of 2020", many students testified that menstrual education is lacking in DC schools. Research of OSSE's health education standards found that menstrual education is limited and only begins in grade 9, after most girls have already started their period.

The "Expanding Student Access to Period Products Act of 2021" would require DC public, charter, and private schools to provide free period products in all women's and gender-neutral bathrooms in middle and high schools, and in at least one women's and gender-neutral bathroom in elementary schools. If a school does not have a gender-neutral bathroom, they would be required to provide free period products in at least one men's bathroom. The bill would also require the Office of the State Superintendent of Education (OSSE) to develop a poster with medically accurate information on the safe use and disposal of period products, which schools would be required to post near the period products dispenser. UDC and private post-secondary institutions are also required to provide free period products in all women's and gender-neutral bathrooms. Lastly, the measure would require OSSE to develop and implement comprehensive health education standards on menstruation designed for all students in DCPS and DCPCS schools, beginning in grade 4 and regardless of gender.

In a statement on March 24, 2021, Councilmember Pinto states that "the lack of accessible period products adversely impacts women, girls, and transgender men's ability to receive an education, care for their reproductive health, and participate more broadly in society. This bill is a long-overdue step towards correcting these injustices. One day, I hope we can overcome the stigma surrounding menstruation and period products will be treated the same as toilet paper – a product everyone agrees is a basic necessity. I am honored to have introduced this bill with support of all of the women serving on the Council."

II. LEGISLATIVE CHRONOLOGY

September 11, 2020	Bill 23-887, the "Expanding Student Access to Period Products Act of 2020" is introduced by Councilmembers Grosso and Pinto.
September 18, 2020	Notice of Intent to Act on Bill 23-887 is published in the <i>Register</i> .
September 22, 2020	Bill 23-887 is referred to the Committee of Education and the Committee of the Whole.
November 6, 2020	Notice of Public Hearing on Bill 23-887 is published in the <i>Register</i> .
November 24, 2020	A Public Hearing is held on Bill 23-887 by the Committee on Education and the Committee of the Whole.
March 24, 2021	Bill 24-158, the "Expanding Student Access to Period Products Act of 2021" is introduced in Council Period 24 by Councilmembers Pinto, Cheh, Henderson, Lewis George, Nadeau, Silverman, Bonds, and Gray.

April 2, 2021 Notice of Intent to Act on Bill 24-158 is published in the *Register*.

April 6, 2021 Bill 24-158 is referred to the Committee of the Whole.

December 7, 2021 Bill 24-158 is marked up by the Committee of the Whole.

III. POSITION OF THE EXECUTIVE

Dr. Lewis Ferebee, Chancellor of the District of Columbia Public Schools, testified on behalf of the Executive in support of the intent of Bill 24-158, “Expanding Student Access to Period Products Act of 2021” (formerly Bill 23-887) with consideration of the cost of implementation. His testimony is summarized below.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The committee received no comments from Advisory Neighborhood Commissions.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 23-887 was held on November 24, 2020. The testimony summarized below is from that hearing. Copies of any written testimony received are attached to this report.

Dr. Lewis Ferebee, Government Witness testified in support of the “Expanding Student Access to Period Products Act of 2021” and all efforts that empower students. The Chancellor testified that he agrees that providing easily accessible period products removes barriers to learning for menstruating students.

Maura Blaeuer, Public Witness testified in support of the “Expanding Student Access to Period Products Act of 2021”. She testified that this was an important way to promote equity and school attendance for girls

The Committee received additional written testimony in support of the Expanding Student Access to Period Products Act of 2021. Copies of the written testimony are attached to this report. The Committee received no comments in opposition to Bill 24-158 (formerly Bill 23-887).

VI. IMPACT ON EXISTING LAW

Bill 24-158 has no impact on existing law.

VII. FISCAL IMPACT

Bill 24-158 was fully funded in the FY22 Budget and Financial Plan.

VIII. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	States the short title of Bill 24-158.
<u>Section 2</u>	Definitions
<u>Section 3</u>	Provides instruction for the provision of period products in DCPS schools
<u>Section 4</u>	Requires OSSE to develop and implement health education standards on menstrual education designed for all students
<u>Section 5</u>	Fiscal Impact Statement
<u>Section 6</u>	Establishes the effective date by stating the standard 30-day Congressional review language.

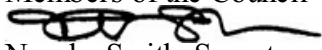
IX. COMMITTEE ACTION

X. ATTACHMENTS

1. Bill 24-158 as introduced
2. Written Testimony and Letters
3. Fiscal Impact Statement for Bill 24-158
4. Legal Sufficiency Determination for Bill 24-158
5. Committee Print for Bill 24-158

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council
From :  Nyasha Smith, Secretary to the Council
Date : Wednesday, April 7, 2021
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Wednesday, March 24, 2021. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Expanding Student Access to Period Products Act of 2021", B24-0158

INTRODUCED BY: Councilmembers Pinto, Cheh, Henderson, Lewis George, Nadeau, Silverman, Bonds, and Gray

CO-SPONSORED BY: Councilmember Allen

The Chairman is referring this legislation to Committee of the Whole.

Attachment
cc: General Counsel
Budget Director
Legislative Services

Brianne K. Nadeau

Councilmember Brianne K. Nadeau

BE R

Councilmember Brooke Pinto

Elissa Silverman

Councilmember Elissa Silverman

Mary M. Cheh

Councilmember Mary M. Cheh

Anita Bonds

Councilmember Anita Bonds

Christina Henderson

Councilmember Christina Henderson

Vincent C. Gray

Councilmember Vincent C. Gray

Janeese Lewis George

Councilmember Janeese Lewis George

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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5 To require District of Columbia local education agencies, private schools, the University of the
6 District of Columbia, private universities and colleges, and vocational schools to install
7 and maintain dispensers or similar receptacles of free-for-use period products in women’s
8 and gender-neutral bathrooms and to require the Office of the State Superintendent of
9 Education to develop and implement health education standards on menstrual education
10 designed for all students in District of Columbia Public Schools and District of Columbia
11 Charter Schools, beginning in grade 4 and regardless of gender.

12 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
13 act may be cited as the “Expanding Student Access to Period Products Act of 2021”.

14 Sec. 2. Definitions.

15 (a) “Local education agency” or “LEA” means the District of Columbia Public Schools
16 (“DCPS”) system, an individual public charter school, or a group of public charter schools

17 operating under a single charter.

18 (b) “Period products” means a tampon, a sanitary pad, or liner.

19 Sec. 3. Provision of period products.

20 (a)(1) Local education agencies and private schools shall install at least one dispenser or
21 similar receptacle of period products in:

22 (A) Each women’s and gender-neutral bathroom in every middle school
23 and high school; and

24 (B) One women’s and gender-neutral bathroom in every elementary
25 school.

26 (2) If a school building does not have a gender-neutral bathroom, then the
27 products shall also be available in at least one men’s bathroom.

28 (3) LEAs and private schools shall stock every dispenser or similar receptacle
29 with sufficient period products to serve the needs of LEA and private school students throughout
30 the academic year and any period of summer programming offered on its campus.

31 (b) The University of the District of Columbia (“UDC”), private universities and
32 colleges, and vocational schools shall:

33 (1) Install at least one dispenser or similar receptacle for period products in every
34 women’s and gender-neutral bathroom.

35 (2) Stock every dispenser or similar receptacle with sufficient period products to
36 serve the needs of students at all times throughout the calendar year.

37 (c) Period products shall be free of cost.

38 (d) In consultation with the District of Columbia Department of Health, the Office of the
39 State Superintendent of Education (“OSSE”) shall develop an 8.5” x 11” sign that includes

40 medically accurate information on the safe use and disposal of menstrual products. The sign shall
41 be:

42 (1) Placed near each dispenser or similar receptacle.

43 (2) Made available for downloading in PDF format on the OSSE website.

44 (e) Each LEA, private school, the UDC, private college and university, and vocational
45 school shall install the dispensers or similar receptacles required by this act within one year of
46 the effective date of this act.

47 Sec. 4. Education on menstruation.

48 (a) In consultation with the State Board of Education, OSSE shall develop and
49 implement health education standards on menstrual education designed for all students in DCPS
50 and District of Columbia Charter Schools, beginning in grade 4 and regardless of gender.

51 (1) The overarching vision of the health education standards shall be to ensure
52 that students in the District of Columbia schools shall have the information, support, and
53 enabling school environment for managing menstruation with dignity, safety, and comfort.

54 (2) The health education standards shall include information on the menstrual
55 cycle, premenstrual syndrome and pain management, menstrual hygiene management, menstrual
56 disorders, menstrual irregularities, menopause, and other relevant topics relating to the menstrual
57 cycle.

58 (b) OSSE shall implement the health education standards within one year of the effective
59 date of this act.

60 Sec. 5. Fiscal impact statement.

61 The Council adopts the fiscal impact statement in the committee report as the fiscal
62 impact statement required by section 4a of the General Legislative Procedures Act of 1975,

63 approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

64 Sec. 6. Effective date.

65 This act shall take effect following approval by the Mayor (or in the event of veto by the
66 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
67 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
68 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
69 Columbia Register.

1 **December 7, 2021**
2 **Committee of the Whole**
3 **DRAFT Committee Print**
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7 A BILL
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10 24-158
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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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16 To require District of Columbia local education agencies, private schools, the University of the
17 District of Columbia, private universities and colleges, and vocational schools to install
18 and maintain dispensers or similar receptacles of free-for-use period products in women’s
19 and gender-neutral bathrooms and to require the Office of the State Superintendent of
20 Education to develop and implement health education standards on menstrual education
21 designed for all students in District of Columbia Public Schools and District of Columbia
22 public charter schools beginning in grade 4 and regardless of gender.
23

24 IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act
25 may be cited as the “Expanding Student Access to Period Products Act of 2021”.

26 Sec. 2. Definitions.

27 For the purposes of this act, the term:

28 (1) “LEA” means local education agency, which is the District of Columbia
29 Public Schools system, an individual or a group of public charter schools operating under a
30 single charter.

31 (2) “Period products” means a tampon, a sanitary pad, or liner.

32 Sec. 3. Provision of period products.

33 (a)(1) Local education agencies and private schools shall install at least one dispenser or
34 similar container for period products in:

35 (A) Each women’s and gender-neutral bathroom in every middle school
36 and high school; and

37 (B) At least one women’s and one gender-neutral bathroom in every
38 elementary school.

39 (2) If a school building does not have a gender-neutral bathroom, then the
40 products shall also be available in at least one men’s bathroom.

41 (3) LEAs and private schools shall stock every dispenser or similar container with
42 sufficient period products to serve the needs of the LEA or private school’s students throughout
43 the academic year and any period of summer programming offered on a school’s campus.

44 (b) The University of the District of Columbia (“UDC”), private universities and
45 colleges, and vocational schools shall:

46 (1) Install at least one dispenser or similar container for period products in every
47 women’s and gender-neutral bathroom.

48 (2) Stock every dispenser or similar container with sufficient period products to
49 serve the needs of students at all times throughout the calendar year.

50 (c) Period products required to be made available pursuant to this section shall be free of
51 cost.

52 (d) In consultation with the District of Columbia Department of Health, the Office of the
53 State Superintendent of Education (“OSSE”) shall develop an 8.5” x 11” sign that includes
54 medically accurate information on the safe use and disposal of menstrual products. The sign shall
55 be:

56 (1) Placed near each dispenser or similar container.

57 (2) Made available for downloading in PDF format on the OSSE website.

58 (e) Each LEA, private school, the UDC, private college or university, and vocational
59 school shall install the dispensers or similar containers required by this act within one year after
60 the effective date of this act.

61 Sec. 4. Education on menstruation.

62 (a) In consultation with the State Board of Education, the Office of the State
63 Superintendent of Education (“OSSE”) shall develop and implement health education standards
64 on menstrual education designed for all students in DCPS and District of Columbia Charter
65 Schools, beginning in grade 4 and regardless of gender.

66 (1) The overarching vision of the health education standards shall be to ensure
67 that students in the District of Columbia schools shall have the information, support, and
68 enabling school environment to manage menstruation with dignity, safety, and comfort.

69 (2) The health education standards shall include information on the menstrual
70 cycle, premenstrual syndrome and pain management, menstrual hygiene management, menstrual
71 disorders, menstrual irregularities, menopause, and other relevant topics relating to the menstrual
72 cycle.

73 (b) OSSE shall implement the health education standards within one year of the effective
74 date of this act.

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