

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 2/12/19

Bill No: HB21

Sponsor:	Rep. Andrea Romero and Rep. Joy Garratt	Agency Name and Code Number:	924 PED
Short Title:	FREE FEMALE SANITARY PRODUCTS IN SCHOOLS	Person Writing	Daniel Manzano
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
	4,412.1	Non-recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB119 and HB179, Feminine Hygiene Product Gross Receipts Tax

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 2/8/18

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB21 adds a new section to the Public School Code which requires all public elementary, middle, junior high, secondary and high schools to provide free “female sanitary products” in the school restrooms. A female sanitary product is defined as a “sanitary pad or tampon.” HB21 appropriates \$422,509 to the Public Education Department (PED) for the purchase and installation of feminine hygiene product dispensers in all New Mexico public schools and \$3,989,649 for the purchase and distribution of feminine hygiene products to public schools statewide.

FISCAL IMPLICATIONS

Presumably, the initial purchase and installation costs would be a one-time expenditure, while the cost to purchase products would recur each year. There may be costs to maintain and/or repair the dispensers, but the bill does not state if that money is included in the annual product purchase costs.

The PED would be required to develop a process for awarding and allocating this additional funding. Following the award, existing PED staff would need to dedicate time to review and approve Budget Adjustment Requests (BARs) as well as requests for reimbursements (RfRs) submitted by the 89 school districts and 50 plus charter schools in the public school system.

SIGNIFICANT ISSUES

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

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

California legislators found that feminine hygiene products are necessary for the health,

well-being, and full participation of those who menstruate. Having access to these products would support all pupils who menstruate in reaching their full potential. Lack of access to these products can keep pupils from attending school, distract them from their studies or keep them from participating in sports activities. Trying to save money by wearing a tampon for longer can result in Toxic Shock Syndrome, with teenage girls being at even higher risk for TSS.

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

Although HB21 appropriates a total of \$4,412,158 to the PED, this funding would not be recurring. This may result in an unfunded mandate following fiscal year 2020. Although the dispensers would already be installed, all public school sites would still be required to purchase the female sanitary products following fiscal year 2020. They would not have any additional funding to supply such products. The school sites or districts would then need to identify funds from their current budget to implement the requirements outlined in HB21. This may provide a financial burden to our public schools. Also, it is unclear how oversight of this requirement would occur and how compliance would be evaluated

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill could be related to HB119 and HB179, Feminine Hygiene Product Gross Receipts Tax.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If not enacted, a new section of the Public School Code will not be added to require all public elementary, middle, junior high, secondary and high schools to provide free “female sanitary products” in the school restrooms. Current processes for assisting students with hygiene needs would continue at the local level.

AMENDMENTS

None

Ref. HEC