

LFC Requester:	Helms
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**AGENCY BILL ANALYSIS
2023 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 1/29/2023
Bill No: HB134

Sponsor: Trujillo
Short Title: MENSTRUAL PRODUCTS IN SCHOOL BATHROOMS

Agency Name and Code PED - 924
Number: _____
Person Writing Gregory Frostad
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
	\$3,000.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 134 (HB134) would enact a new section of the Public School Code to require that menstrual products be provided at no charge to students in bathrooms in schools.

HB134 would require that menstrual products be provided at no charge in each women’s bathroom and gender-neutral bathroom, and in at least one men’s bathroom, in every public middle and high school, and in at least one women’s, men’s, and gender-neutral bathroom in every elementary school.

FISCAL IMPLICATIONS

HB134 appropriates \$3 million from the General Fund to the Public Education Department (PED) for FY24 for the purchase and installation of menstrual produce dispensers and purchase and distribution of menstrual products to public schools statewide. Unexpended funds revert to the General Fund at the end of FY24.

SIGNIFICANT ISSUES

PED’s public school support requests (PSSRs) for FY24 include a request for \$3 million for tampons and sanitary napkins for use in connection with the menstrual cycle; feminine hygiene dispensary products including free or token operated steel or comparable dispensers; and stand-alone or mounted receptacles for disposal of feminine hygiene products as well as receptacle disposable bags.

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 (TSS), with teenage girls being at risk for TSS.

The [2021 State of the Period study sponsored by Thinx and Period](#) indicates that 4 in 5 menstruating teens said they have either missed class time, or know someone who missed class time, because they did not have access to period products. Additionally, nearly a quarter of students struggle to afford period products, and the pandemic has only heightened barriers. Students of color, lower-income students, and rural students are most impacted by issues of access. Lack of access to period products for students remains a significant issue:

- 23% of students have struggled to afford period products;
- 16% have chosen to buy period products over food or clothes as a result of the pandemic; Latinx, rural, low-income, and college students are most impacted;

- 51% of students have worn period products for longer than recommended; and
- 18% of students believe Covid-19 has made it more difficult for them to do their best schoolwork during their period.

The requirements and funding in HB134 would also support the Martinez/Yazzie goal of transforming education to meet the needs of New Mexico's most underserved students, including students from low-income families, and will help support improved attendance and academic success. These products are a health care necessity that cannot be easily substituted or foregone. While the average age girls start their period is 12, a first period can occur as young as the age of eight.

PERFORMANCE IMPLICATIONS

The measures in HB134 would improve student attendance and health outcomes.

ADMINISTRATIVE IMPLICATIONS

HB134 would require the Department to administer a new grant program for feminine hygiene products. This could be accomplished with existing staff and resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None as of 1/26/2023

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE 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.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Students without access to feminine hygiene products at school may have absences related to menstruation and may not participate in extra-curricular activities.

AMENDMENTS

None.