

Senate proposal of amendment

H. 663

An act relating to expanding access to contraceptives

The Senate proposes to the House to amend the bill by striking out Sec. 11, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * School Wellness * * *

Sec. 11. 16 V.S.A. § 136 is amended to read:

§ 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS AND COMPREHENSIVE HEALTH

(a) As used in this section:

* * *

(5) “Wellness program” means a program that includes comprehensive health education as defined in section 131 of this title, fitness, and nutrition.

(b) The Secretary ~~with the approval of the State Board~~ shall establish an Advisory Council on Wellness and Comprehensive Health that shall include at least three members ~~associated with the health services field~~ with expertise in health services, health education, or health policy. The members shall serve without compensation ~~but shall receive their actual expenses incurred in connection with their duties relating to wellness and comprehensive health programs.~~ The Council shall assist the Agency to plan, coordinate, and encourage wellness and comprehensive health programs in the public schools and shall meet not less than twice a year.

(c) The Secretary shall collaborate with other officials, agencies, and councils working on childhood wellness, including the Director of Trauma Prevention and Resilience Development established in 33 V.S.A. § 3403 and the Substance Misuse Prevention Oversight and Advisory Council created in 18 V.S.A. § 4803, to:

(1) Supervise the preparation of appropriate ~~nutrition and fitness wellness program~~ wellness program curricula for use in the public schools, promote programs for the preparation of teachers to teach these curricula, and assist in the development of wellness programs.

* * *

~~(5) Create a process for schools to share with the Department of Health any data collected about the height and weight of students in kindergarten through grade six. The Commissioner of Health may report any data compiled under this subdivision on a countywide basis. Any reporting of data must~~

~~protect the privacy of individual students and the identity of participating schools.~~

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Sec. 12. SCHOOL WELLNESS POLICY

On or before January 15, 2021, the Agency of Education, in collaboration with the Advisory Council on Wellness and Comprehensive Health created under 16 V.S.A. § 136, shall update and distribute to school districts a model wellness program policy, using the expanded definition of “wellness program” under 16 V.S.A. § 136, as amended by this act, that shall:

(1) be in compliance with all relevant State and federal laws; and

(2) reflect nationally accepted best practices for comprehensive health education and school wellness policies, such as guidance from the Centers for Disease Control and Prevention’s Whole School, Whole Community, Whole Child Model.

* * * Menstrual Hygiene Products * * *

Sec. 13. 16 V.S.A. § 1432 is added to read:

§ 1432. MENSTRUAL HYGIENE PRODUCTS

(a) By enacting this statute, the General Assembly intends to ensure that a female student attending a public school or an approved independent school has access to menstrual hygiene products at no cost and without the embarrassment of having to request them.

(b) A school district and an approved independent school shall make menstrual hygiene products available at no cost in a majority of gender-neutral bathrooms and bathrooms designated for females that are generally used by females in any of grades five through 12 in each school within the district or under the jurisdiction of the board of the independent school. The school district or independent school, in consultation with the school nurse who provides services to the school, shall determine which of the gender-neutral bathrooms and bathrooms designated for females to stock with menstrual hygiene products and which brands to use.

(c) School districts and approved independent schools shall bear the cost of supplying menstrual hygiene products and may seek grants or partner with a nonprofit or community-based organization to fulfill this obligation.

* * * Effective Dates * * *

Sec. 14. EFFECTIVE DATES

(a) Secs. 2 (8 V.S.A. § 4099c), 7 (26 V.S.A. § 2022), and 8 (26 V.S.A. § 2023) shall take effect on January 1, 2021.

(b) Sec. 13 (16 V.S.A. § 1432) shall take effect on November 1, 2020, and school districts and approved independent schools shall comply with the requirements of that section for the 2021–2022 school year and thereafter.

(c) The remainder of this act shall take effect on November 1, 2020.

And that after passage the title of the bill be amended to read:

An act relating to contraceptives, school wellness, and menstrual hygiene products.