

Vermont Legislative Joint Fiscal Office

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FISCAL NOTE

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H.260 An act relating to requiring menstrual hygiene products in public school restrooms for grades six through 12 and in correctional facilities – As Introduced

<https://legislature.vermont.gov/bill/status/2022/H.260>

Section 1. This section requires school districts to provide menstrual products at no cost in a majority of gender-neutral bathrooms designated for females in any of grades six through 12 and the nurse's office. (*S.115 includes approved independent schools in the mandate.*)

The states of California, Illinois, New Hampshire, New York, Tennessee, and Washington have enacted similar legislation in the past few years:

- Each of these states limit the provision to schools that enroll females in any of grades six through 12. (*S.115 applies to grades five through 12.*)
- California and Tennessee limit the provision to schools that meet a pupil poverty threshold. This bill has no poverty threshold.
- With the exception of California, this provision is an unfunded mandate for schools. This bill would create an unfunded mandate on school districts.
- The only state to estimate the cost of this mandate is Washington. Washington estimates the cost of menstrual products at roughly \$467,000 annually.

Estimating the cost of this requirement in Vermont is difficult, but it would probably not be significant for the following reasons:

- Menstrual products are already provided to students at no cost in some schools through their nurse's office.
- Schools would be able to lower their costs by making purchases of menstrual in bulk and purchases would not be subject to the sales & use tax.
- Some students would prefer to use their own menstrual products rather than those provided at no cost by their school.
- Schools may seek grants or partner with nonprofit community-based organizations to cover the cost of menstrual products.

Washington's statute is similar to the proposal in this bill. Scaling Washington's fiscal estimate to Vermont would indicate that the cost of providing menstrual products would be roughly \$50,000 to \$60,000 annually beginning in the 2022-2023 school year.

In states that require dispensers, the cost is \$200 to \$300 per unit excluding labor costs. Assuming two bathrooms in each of approximately 300 school buildings in Vermont, the cost of dispensers would range from \$120,000 to \$180,000. This would be a one-time cost in the 2022-2023 school year; however, *this bill does not require that schools provide dispensers.*

Section 2. This section requires the Commissioner of Corrections to provide menstrual products at no cost to any inmate in a State correctional facility who requires them and provides that the Department of Corrections (DOC) shall bear the cost of supplying them. (*S.115 does not mandate provision of free menstrual products to inmates in State correctional facilities.*)

According to the DOC, there were 83 women incarcerated in Vermont as of February 2021. Assuming that 90% of incarcerated women menstruate, that each woman uses 240 menstrual products annually and that each menstrual product costs 19 cents, the estimated cost of providing menstrual products to incarcerated women would be roughly \$3,400 annually. However, like school districts, the DOC could lower this cost by making bulk purchases.

Section 3. This section provides that school districts shall provide menstrual products at no cost to students as of FY2023 and that the Commissioner shall provide menstrual products at no cost to inmates as of FY2022.