#### MEMORANDUM

October 27, 2025

TO: Health and Human Services (HHS) Committee

Government Operations & Fiscal Policy (GO) Committee

FROM: Christine Wellons, Chief Legislative Attorney

SUBJECT: Bill 42-23, Health and Sanitation – Menstrual Products in Public Restrooms –

Required

PURPOSE: Worksession – recommendation expected

#### **Expected Attendees**

Gregory T. Boykin, Deputy Director and Chief Operating Officer, Department of General Services (DGS)

Dr. Nina Ashford, Chief of Public Health, Department of Health and Human Services (DHHS) Grace Pederson, Fiscal and Policy Analyst, Office of Management and Budget

Bill 42-23 Health and Sanitation – Menstrual Products in Public Restrooms – Required, sponsored by Lead Sponsor Council Vice President Jawando, was introduced on November 14, 2023. A companion resolution, also introduced by Council Vice President Jawando on November 14, would have adopted the provisions of the bill as a Board of Health (BOH) regulation.

As originally introduced, the proposed bill and BOH regulation would:

- (1) require places of public accommodation to provide menstrual products in certain public restrooms at no charge to users; and
- (2) generally amend the law regarding the provision of necessary health and sanitary products.

A public hearing took place on December 12, 2023. A worksession of the Health and Human Services (HHS) Committee and the Economic Development (ECON) Committee took place on February 29, 2024. The HHS/ECON Committee posed numerous questions regarding the proposed legislation. Answers to those questions are attached at © 40.

In response to the initial worksession and follow-up information, Council Vice President Jawando supports significant amendments, which would limit the scope of the bill to certain

**public-facing restrooms in County buildings**. The private sector no longer would be subject to the legislation, and the proposed BOH resolution would no longer be applicable.

The joint HHS and Government Operations and Fiscal Policy (GO) Committee is expected to consider the Council Vice President's proposed amendment(s) to the bill. The proposed amendments – and information about the fiscal impact of the amendments – are available at © 46 and © 49, respectively.

#### BACKGROUND

In 2021, the General Assembly amended the Education Article of the Maryland Code to require public schools to install menstrual hygiene product dispensers in certain restrooms for students. *See* Md. Code Ann., Education Article § 7-449. Maryland law also requires that incarcerated individuals have access to free menstrual supplies. *See* Correctional Services Article § 9-616. In addition, Maryland exempts from the sales tax: "sanitary pads, tampons, menstrual sponges, menstrual cups, or other similar feminine hygiene products". Tax-General Article § 11-211.

According to the ACLU, a number of states, like Maryland, have passed laws to require the provision of menstrual products in public schools and prisons, and to eliminate sales taxes on menstrual products. *See* 111219-sj-periodequity.pdf (aclu.org)

#### **BILL DESCRIPTION**

As introduced, Bill 42-23 would have applied to a subset of places of public accommodation: those that, by law, are required to provide restroom facilities to their customers or the general public (*e.g.*, restaurants). This subset of public accommodation would be required to provide access to free menstrual products in their restrooms.

The bill would have defined a place of public accommodation as having the same meaning as stated under Section 27-10. That definition includes:

- (1) restaurants, soda fountains, and other eating or drinking places, and all places where food is sold for consumption either on or off the premises;
- (2) inns, hotels, and motels, whether serving temporary or permanent patrons;
- (3) retail stores and service establishments;
- (4) hospitals, health care institutions, domiciliary care homes, nursing homes, personal care homes, and clinics;
- (5) motion picture, stage, and other theaters and music, concert, or meeting halls;
- (6) circuses, exhibitions, skating rinks, sports arenas and fields, amusement or recreation parks, picnic grounds, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool rooms, and swimming pools;
- (7) public conveyances, such as automobiles, buses, taxicabs, trolleys, trains, limousines, boats, airplanes, and bicycles;

- (8) utilities, such as water and sewer service, electricity, telephone, and cable television;
- (9) streets, roads, sidewalks, other public rights-of-way, parking lots or garages, marinas, airports, and hangars; and
- (10) places of public assembly and entertainment of every kind.

Of those places of public accommodation, only those otherwise required by law to provide restrooms to the public or their customers would be required to provide menstrual products. A violation of the bill's requirements would be a Class A violation, enforceable by the Department of Health and Human Services.

#### **BOARD OF HEALTH RESOLUTION**

The resolution would have incorporated the provisions of the bill into a Board of Health regulation, which applies Countywide.

#### **SUMMARY OF IMPACT STATEMENTS**

<u>Racial equity and social justice</u>. "The Office of Legislative Oversight (OLO) anticipates Bill 42-23 will have a positive impact on RESJ in the County. Increasing access to free menstrual products in places of public accommodation will especially benefit lower-income community members who are more likely to be Black or Latinx. White-owned businesses are likely to bear most of the costs associated with this Bill."

<u>Fiscal impact</u>. According to OMB's of the bill as originally introduced: "Expenditures increase by \$2.0 million in FY25 and \$1.1 million each year thereafter. Revenues increase by \$50,000 starting in FY26."

When factoring in the amendments to the bill proposed by Councilmember Jawando, the fiscal impact would be \$257,798 in expenditures in year 1 of the bill's implementation, and \$214,305 annually thereafter.

Economic impact. "OLO anticipates that Bill 42-23 would have a negative impact on overall economic conditions in the County in terms of the Council's priority economic indicators. ... Certain businesses would experience an increase in operating expenses associated with the one-time cost of purchasing and installing menstrual product dispensers and/or the recurring expense of stocking menstrual products. Higher operating expenses would decrease business income, holding all else equal. .... The Bill likely would have a neutral impact on residents. On the one hand, higher prices from certain businesses would minimally increase household expenses for certain residents, holding all else equal. On the other hand, for residents who use free menstrual products as a partial substitute for paid menstrual products, the Bill would minimally reduce nondiscretionary expenses, holding all else equal.

<u>Climate assessment.</u> "The Office of Legislative Oversight (OLO) anticipates Bill 42-23 will have no impact as providing free menstrual products would not affect the County's contribution to addressing climate change, nor community climate resilience."

#### SUMMARY OF PUBLIC TESTIMONY

Testimony in favor of the bill included the following:

- **Period.**: "Passing this legislation is a crucial step toward ensuring access to menstrual products for all individuals who menstruate. Menstrual products, like toilet paper and soap, are fundamental to ensuring the health, dignity, and full participation of all residents."
- National Council of Negro Women Inc., Potomac Valley Section: "A 2023 study found that 16.9 million people who menstruate live in poverty and 2/3 of them stated that they struggled to afford menstrual products. In Maryland, 1 in 9 women & girls between the ages of 12 & 44 lives below the Federal Poverty Line. Current government assistance programs such as the Supplemental Nutrition Assistance Program (SNAP) and Supplemental Nutrition Program for Women, Infants and Children (WIC) cannot be utilized to purchase menstrual products. Bill 42-23 specifically addresses this gap and will provide much needed relief; particularly to Montgomery County's low-income, at-risk residents in our Black communities."
- Montgomery County Community Action Board: "By mandating the provision of menstrual products in public restrooms, Bill 42-23 addresses a fundamental aspect of public health and sanitation. Menstrual hygiene is essential for preventing infections and maintaining overall well-being. By taking this proactive step, our county can contribute to the creation of a more inclusive and supportive environment for everyone, regardless of gender and can become a leader in the State and join the many other jurisdictions across the country who are already providing these supplies to their constituents."
- Alliance for Period Supplies. "We firmly believe that access to menstrual hygiene products should be a right, not a privilege, and this bill aligns with our vision of creating a society where no one faces barriers to accessing these essential items."
- Commission for Women. "The Commission had robust conversations around the bill and supports it in concept and would like to see provisions for exemptions and/or limited fines and/or penalties proportionate the size of the business. The Commission has concerns that the smaller businesses may not have access to the same resources that large corporations may have to meet the mandate of the bill, resulting in potential closure of the business and employee layoff. Many of the small businesses are either owned, operated, and/or employ significant female populations."

Testimony **in opposition** to the bill included the following:

- Maryland Retailers Alliance: "The Maryland Retailers Alliance (MRA) has serious concerns about the potential impact of Bill 42-23 on private businesses operating in Montgomery County. The lack of specificity in the bill, the fines associated with a Class A violation, and the overall cost to businesses would have far-reaching effects on the county's retailers and other businesses. While some jurisdictions require menstrual products to be provided in school systems, no county or state in the country has passed a mandate to require private businesses to provide menstrual items to the public at no cost."
- Gaithersburg-Germantown Chamber of Commerce, Greater Bethesda Chamber of Commerce, Greater Silver Spring Chamber of Commerce, and Montgomery County Chamber of Commerce: "We contend that this bill is not necessary. The State of Maryland already requires that all middle and high schools provide menstrual products in their restrooms. Furthermore, Maryland reduces the costs of menstrual products by exempting those items from the State sales and use tax. It is also our understanding that a significant number of businesses and non-profits already provide menstrual products at their own expense or through partnerships that allow them to do it affordably. Our chambers are also concerned about the bill's unknown expense to businesses. It is not difficult to imagine a scenario where free menstrual products in a business are taken on a consistent basis. In that scenario, small businesses in particular face high costs to keep menstrual products available, and the specter of a significant fine as mandated by Bill 42-23."
- Maryland Hotel Lodging Association: "Hotels have a longstanding practice of ensuring basic toiletries, including menstrual products, are available if needed upon request by guests. While the need for menstrual products is at times a necessity for certain females, we feel it is inappropriate for the government to place responsibility for it on private businesses. It would be costly, burdensome and potentially impossible for hotels to supply complimentary menstrual products, the related dispensers, and the staff necessary to stock and monitor each public restroom in a hotel 24/7."
- Hispanic Chamber of Commerce, Montgomery County: "We believe that alternative proposals can better address the important issue of providing free menstrual products while minimizing unintended consequences. The HCCMC supports the amendment proposed by the Gaithersburg-Germantown Chamber of Commerce, Greater Bethesda Chamber of Commerce, Greater Silver Spring Chamber of Commerce, and Montgomery County Chamber of Commerce. This amendment suggests limiting the bill's scope to County-owned buildings, such as libraries, recreation centers, and regional service centers. This targeted approach ensures a more focused impact and alleviates concerns related to small and minority-owned businesses."

#### ISSUES CONSIDERED AT THE HHS/ECON WORKSESSION

At the HHS/ECON worksession in February 2024, the joint committee considered multiple issues and posed multiple follow-up questions. Issues discussed included:

- The appropriate scope of the bill and whether it should apply to private entities; and

- The anticipated fiscal impact of the bill.

Committee members also posed questions to Council and agency staff for follow-up. Those questions and answers are attached at © 43. In addition to the follow-up information noted in the attachment, Council staff notes that an update on MCPS's provision of period products – as required under state law – was provided to a joint EC/HHS Committee on February 24, 2024. *See* MetaViewer.php.

For FY2026, the Council appropriated \$106,110 specifically for menstrual supplies in public schools. On October 27, 2025, MCPS provided the following supplemental information.

#### **MCPS Summary Statement:**

#### **Menstrual Products**

Picking from our last council discussion, on February 24 the Joint Health and Human Services Committee met with representatives from Montgomery County Public Schools (MCPS) to discuss how the district has been preparing to meet the requirements of Maryland Senate Bill 427: Public Schools- Provision of Menstrual Hygiene Products- Requirement.

The final legislation, HB025, was enacted in July 2021 and gave school districts until August 1, 2025 to be fully compliant.

"Requiring each county board of education to ensure that each public school provides, at no charge to students, menstrual hygiene products via dispensers in women's restrooms at the school; requiring a public middle or high school to install menstrual hygiene product dispensers in at least two women's restrooms by October 1, 2022, and in all women's restrooms by August 1, 2025."

MCPS Chief of District Operations Adnan Mamoon shared the original installation plan and timeline as well as updates.

#### **Current State**

#### **Facilities:**

Every school has the following:

- Elementary Schools: At least one dispenser installed per building
- Middle Schools: 4–11 dispensers per school
- High Schools: 5–15 dispensers per school

#### **Glows:**

- The MCPS facilities team completed the dispenser installations well ahead of the legislative deadline.
- New schools are also subject to these provisions.

• Facilities maintain a spreadsheet of dispenser installation numbers for each school.

#### **Grows:**

• Dispenser upkeep is done locally by building services staff. In spite of processes and guidance for maintenance, this creates some level of variability.

#### **Supply and Ordering:**

The Division of Materials Management (DMM) maintains dispenser-ready products in stock, and these items are available through the standard school ordering processes. All orders are logged and monitored as part of our systemwide supply management.

#### Glows

Division of Materials Management (DMM) monitors and reports product ordering by school and maintains overall system inventory levels.

#### Grows

Costs of the products and specifications such as organic or non-organic have changed over the years.

Data indicate that some schools are not ordering products beyond initial orders.

#### **Other Notes and Considerations**

Several schools have received corporate donations of menstrual products for student use outside of dispensers. Some high schools have adopted the practice of offering preferred branded products in baskets as an added measure of accessibility and dignity.

School leaders receive messages through system health updates. Messages about menstrual products for October will focus on accessibility and product ordering reminders. There is a memorandum coming out after quarter one, reminding school leaders to:

- 1. Verify that your dispensers are installed and functional.
- 2. Ensure products are regularly stocked and accessible.
- 3. Contact DMM if assistance is needed in ordering menstrual products.

For quarter one the well-being department has done spot-checks for availability of products when on site in order to share feedback with building leaders as needed. This has been proposed as a student advocacy task which can be shifted to students or student leadership groups in each building instead.

The MCPS SMOB representative and local community advocacy groups maintain great interest in continuing to support quality implementation of increased access to menstrual products for students.

As schools increase orders. System costs will increase.

#### ISSUE FOR CONSIDERATION BY THE HHS/GO COMMITTEE

The joint HHS/GO Committee might wish to consider the amendments by Council Vice President Jawando to limit the scope of the bill to certain public-facing restrooms in County buildings. The amendments are at © 46.

The restrooms subject to the bill would consist of restrooms for women and families, as well as gender-neutral restrooms, available to the public in the following types of County buildings:

- public libraries;
- regional service centers;
- recreation centers; and
- locations where DHHS provides services directly to the public, unless DHHS determines that security or privacy considerations at the location would prevent DGS from providing products at the location.

In the applicable public-facing County restrooms, DGS would be responsible for providing menstrual products free to users. Buildings that are not maintained by DGS – such as MNCPPC or MCPS buildings – would not be affected by the bill. In addition, restrooms that DGS determines are used primarily by County employees or contractors would not be subject to the bill.

Approximately 150 restrooms in County buildings would be subject to the bill's requirements. The fiscal impact of the bill, as amended, would be \$257,798 in expenditures in year 1 of the bill's implementation, and \$214,305 annually thereafter. *See* © 49 for a breakdown of the revised fiscal estimate.

<u> Γhis packet contains:</u>	<u>Circle #</u>
Bill 42-23	© 1
Resolution – BOH Regulation	© 5
Climate Assessment	© 7
Economic Impact Statement	© 9
Fiscal Impact Statement	© 15
Racial Equity and Social Justice Impact Statement	© 18
Public Testimony	
Gaithersburg-Germantown Chamber of Commerce	© 24
Hispanic Chamber of Commerce – Montgomery County	© 26
Maryland Hotel Lodging Association	© 27
Period	© 28
Commission for Women	© 29
Alliance for Period Supplies	© 30
Montgomery County Community Action Board	© 32
National Council of Negro Women, Inc. (Potomac Valley Section)	© 34
Maryland Retailers Alliance	© 36
Ellen Lodwick	© 38
MCPS Memorandum	© 39
Follow-up Information in Response to the 1 <sup>st</sup> Worksession	© 40

Amendments by Councilmember Jawando	© 46
Revised Fiscal Analysis (based on Councilmember Jawando's amendments)	© 49

Bill No.	42	-23			
Concerning: _	Health	and	Sanita	ation	<u> </u>
Menstrua	I Pro	ducts	in	Pι	ıblic
Restroom	ıs - Req	uired			
Revised: 11	/03/202	23	Draft N	lo.	3
Introduced: _	Nove	mber 1	14, 202	3	
Expires:	Dece	mber 7	7, 2026		
Enacted:					
Executive:					
Effective:					
Sunset Date:	None				
Ch. , La	aws of N	/lont. C	Co.		

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Jawando

#### AN ACT to:

- (1) require places of public accommodation to provide menstrual products in certain public restrooms at no charge to users; and
- (2) generally amend the law regarding the provision of necessary health and sanitary products.

#### By adding

Montgomery County Code Chapter 24, Health and Sanitation Section 24-8E

Boldface	Heading or defined term.
<u>Underlining</u>	Added to existing law by original bill.
[Single boldface brackets]	Deleted from existing law by original bill.
Double underlining	Added by amendment.
[[Double boldface brackets]]	Deleted from existing law or the bill by amendment.
* * *	Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1	Sec. 1	1. Sect	ion 24	-8E is added as follows:
2	24-8E. Prov	vision	<u>of mer</u>	<u>strual products in public restrooms – Required.</u>
3	<u>(a)</u>	<u>Title.</u>	This	Section is known as the "Menstrual Products Access and
4		<u>Equit</u>	ty Act"	<u>•</u>
5	<u>(b)</u>	<u>Defin</u>	nitions.	In this Section, the following terms have the meanings
6		indic	ated.	
7		<u>(1)</u>	<u>Mens</u>	trual products mean tampons or sanitary napkins for use in
8			conne	ection with the menstrual cycle.
9		<u>(2)</u>	<u>Place</u>	g of public accommodation has the meaning stated in Section
10			<u>27-10</u>	<u>).</u>
11		<u>(3)</u>	<u>Publi</u>	c restroom means a permanent structure or facility that:
12			<u>(A)</u>	contains one or more toilets and sinks;
13			<u>(B)</u>	is located within a place of public accommodation; and
14			<u>(C)</u>	by law, must be made available by the place of public
15				accommodation to its customers or to other members of the
16				public.
17	<u>(c)</u>	A pla	ace of	public accommodation must provide, at no cost to users,
18		mens	trual p	roducts in each public restroom.
19	<u>(d)</u>	Enfo	rcemer	<u>at and Penalties.</u>
20		<u>(1)</u>	<u>Enfor</u>	recement. The requirements of this Section may be enforced
21			<u>by:</u>	
22			<u>(A)</u>	the Director of the Department of Health and Human
23				Services, or the Director's designee; and
24			<u>(B)</u>	the County Health Officer, or the Health Officer's
25				designee.
26		<u>(2)</u>	A vic	plation of this Section is a Class A violation.

Sec. 2. Effective date. This Act must take effect 6 months after it becomes law.

Approved:		
Evan M. Glass, President, County Council	Date	_
Approved:		
Marc Elrich, County Executive	Date	
This is a correct copy of Council action.		
Sara R. Tenenbaum, Clerk of the Council	Date	

Resolution No.:	
Introduced:	November 14, 2023
Adopted:	

#### COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE MONTGOMERY COUNTY BOARD OF HEALTH

Lead Sponsor: Councilmember Jawando
Lead Sponsor. Councilinemoer Jawando

SUBJECT: Resolution to adopt Bill xx-23, Health and Sanitation – Menstrual Products in Public Restrooms - Required as a Board of Health Regulation.

#### **Background**

- 1. County Code §2-65, as amended, provides that the County Council is, and may act as, the County Board of Health, and in that capacity may adopt any regulation which a local Board of Health is authorized to adopt under state law.
- 2. Maryland Code Health-General Article §3-202 authorizes the County Board of Health to adopt rules and regulations regarding any nuisance or cause of disease in the County.
- 3. On \_\_\_\_\_, the Council held a public hearing on this regulation. As required by law, each municipality in the County and the public were properly notified of this hearing.
- 4. On \_\_\_\_\_\_, the County Council enacted Bill xx-23, Health and Sanitation Menstrual Products in Public Restrooms Required. Bill xx-23 requires the provision of menstrual products in public restrooms by places of public accommodation.
- 5. The County Council, sitting as the Board of Health, finds after reviewing the evidence in the record that requiring the provision of menstrual products in public restrooms as required by this Regulation is necessary to protect the health of County residents.

Page 2 Resolution No.:

#### **Action**

The County Council for Montgomery County, Maryland, sitting as the County Board of Health, approves the following resolution:

- 1. The provisions of Section 24-8E of the Montgomery County Code, entitled "Provision of menstrual products in public restrooms Required.", as added by Bill xx-23, Health and Sanitation Menstrual Products in Public Restrooms Required, are adopted as a Board of Health regulation. A copy of Bill xx-23 is attached to this resolution.
- 2. This resolution takes effect on the effective date of Bill xx-23.

This is a correct copy of Council action.	
Sara R. Tenenbaum	_
Clerk of the Council	

## **Climate Assessment**

Office of Legislative Oversight

# Bill 42-23: Health and Sanitation – Menstrual Products in Public Restrooms - Required

#### **SUMMARY**

The Office of Legislative Oversight (OLO) anticipates Bill 42-23 will have no impact as providing free menstrual products would not affect the County's contribution to addressing climate change, nor community climate resilience.

#### **BACKGROUND AND PURPOSE OF BILL 42-23**

Period poverty refers to "inadequate access to menstrual products, education, and sanitation facilities." Globally, the World Bank estimates 500 million people lack access to menstrual products and adequate facilities for managing menstrual hygiene. Several studies suggest that period poverty is also a considerable issue in the United States, especially among low-income people. The Alliance for Period Supplies calculates that state legislatures are currently considering 151 bills "related to period products, menstrual health, equity, access, and/or taxation."

The purpose of Bill 42-23, the "Menstrual Products Access and Equity Act," is to require places of public accommodation such as restaurants, hotels, and retail stores to provide access to free menstrual products in their restrooms. Bill 42-23 would only apply to places of public accommodation that are required by law to provide restroom facilities to customers or the general public. According to the Bill's sponsor, Bill 42-23 is intended to "improve menstrual equity and reduce period poverty in Montgomery County." Violation of the Bill's requirements would be a Class A violation.

Bill 42-23, Health and Sanitation – Menstrual Products in Public Restrooms – Required, was introduced by the County Council on November 14, 2023.

#### **ANTICIPATED IMPACTS**

As the bill proposes increased access to free menstrual products, OLO anticipates Bill 42-23 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

#### **RECOMMENDED AMENDMENTS**

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts. OLO does not offer recommendations or amendments as Bill 42-23 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

#### **CAVEATS**

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

#### **PURPOSE OF CLIMATE ASSESSMENTS**

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptative capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

#### **CONTRIBUTIONS**

OLO staffer Kaitlyn Simmons drafted this assessment.

<sup>&</sup>lt;sup>1</sup> Period Poverty: A Neglected Public Health Issue, Korean Journal of Family Medicine, July 2023.

<sup>&</sup>lt;sup>2</sup> Menstrual Health and Hygiene, The World Bank, May 12, 2022.

<sup>&</sup>lt;sup>3</sup> Period Poverty in the United States, Ballard Center, Brigham Young University, 2023.

<sup>&</sup>lt;sup>4</sup> Menstrual Equity Legislation, Alliance for Period Supplies.

<sup>&</sup>lt;sup>5</sup> Introduction Staff Report for Bill 42-23, Montgomery Council, Introduced November 14, 2023.

<sup>&</sup>lt;sup>6</sup> "Councilmember Will Jawando Introduces Bill to Improve Menstrual Equity in Montgomery County," Office of Councilmember Jawando, Montgomery County Council, November 14, 2023.

<sup>&</sup>lt;sup>7</sup> Montgomery County Code § 1-19

<sup>&</sup>lt;sup>8</sup> Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

## **Economic Impact Statement**

Montgomery County, Maryland

# Bill 42-23 Health and Sanitation – Menstrual Products in Public Restrooms – Required

#### **SUMMARY**

OLO anticipates that Bill 42-23 would have a negative impact on overall economic conditions in the County in terms of the Council's priority economic indicators. By requiring places of public accommodation, such as restaurants, hotels, and retail stores, to provide access to free menstrual products in their restrooms, the Bill likely would have a negative impact on businesses. Certain businesses would experience an increase in operating expenses associated with the one-time cost of purchasing and installing menstrual product dispensers and/or the recurring expense of stocking menstrual products. Higher operating expenses would decrease business income, holding all else equal. In doing so, the Bill would increase the cost of doing business in the County and may undermine the County's reputation as a "friendly business environment." However, certain businesses likely would mitigate the negative impact by passing-through costs for providing free menstrual products in their restrooms onto customers in the form of higher prices.

The Bill likely would have a neutral impact on residents. On the one hand, higher prices from certain businesses would minimally increase household expenses for certain residents, holding all else equal. On the other hand, for residents who use free menstrual products as a partial substitute for paid menstrual products, the Bill would minimally reduce nondiscretionary expenses, holding all else equal.

#### BACKGROUND AND PURPOSE OF BILL 42-23

Period poverty refers to "inadequate access to menstrual products, education, and sanitation facilities." Globally, the World Bank estimates 500 million people lack access to menstrual products and adequate facilities for managing menstrual hygiene. Several studies suggest that period poverty is also a considerable issue in the United States, especially among low-income people. The Alliance for Period Supplies calculates that state legislatures are currently considering 151 bills "related to period products, menstrual health, equity, access, and/or taxation."

The purpose of Bill 42-23, the Menstrual Products Access and Equity Act, is to require places of public accommodation such as restaurants, hotels, and retail stores to provide access to free menstrual products in their restrooms.<sup>5</sup> If enacted, Bill 42-23 would only apply to places of public accommodation that are required by law to provide restroom facilities to customers or the public. <sup>6</sup>

<sup>&</sup>lt;sup>1</sup> "Period Poverty: A Neglected Public Health Issue."

<sup>&</sup>lt;sup>2</sup> "Menstrual Health and Hygiene."

<sup>&</sup>lt;sup>3</sup> Kruperman, "Period Poverty in the United States."

<sup>&</sup>lt;sup>4</sup> Menstrual Equity Legislation.

<sup>&</sup>lt;sup>5</sup> "Introduction Staff Report for Bill 42-23."

<sup>&</sup>lt;sup>6</sup> "Councilmember Will Jawando Introduces Bill to Improve Menstrual Equity in Montgomery County."

Violation of Bill 42-23's requirements would be a Class A violation.<sup>7</sup> The Bill was introduced with a companion resolution that would adopt provisions of the Bill as a Board of Health Regulation.

The Council introduced Bill 42-23, Health and Sanitation – Menstrual Products in Public Restrooms – Required, on November 14, 2023.

#### INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess, both, the impacts of Bill 42-23 on residents and private organizations in terms of the Council's priority economic indicators and whether the Bill would have a net positive or negative impact on overall economic conditions in the County.<sup>8</sup>

While there is growing literature on period poverty and menstrual equity, OLO was unable to identify *impact evaluations* on the economic effects of requiring places of public accommodation to provide free menstrual products in restrooms. Impact evaluations are a core tool of evidence-based policymaking. They strive to answer cause-and-effect questions regarding the impact of a policy or program on a specific outcome(s).<sup>9</sup>

To assess the Bill's impacts on the Council's priority indicators, OLO performs a qualitative assessment based on peer-reviewed articles and policy briefs on period poverty. Drawing on these sources of information, this analysis examines the policy's effects on aggregate demand for *paid* menstrual products and cost pass-through, i.e., the effect of a change in cost on the price of goods or services a business sells. 11

#### **VARIABLES**

The primary variables that would affect the economic impacts of enacting Bill 42-23 are the following:

- Substitution rate for free and paid menstrual products; and
- Pass-through rate.

<sup>&</sup>lt;sup>7</sup> Montgomery County Code, Sec. 1-19.

<sup>&</sup>lt;sup>8</sup> Montgomery County Code, Sec. 2-81B.

<sup>&</sup>lt;sup>9</sup> Gertler et al., *Impact Evaluation in Practice, Second Edition*.

<sup>&</sup>lt;sup>10</sup> "Difference between Peer-Reviewed Literature and Material like White Papers and Policy Briefs."

<sup>&</sup>lt;sup>11</sup> RBB Economics, "Cost Pass-Through."

#### **IMPACTS**

WORKFORCE = TAXATION POLICY = PROPERTY VALUES = INCOMES = OPERATING COSTS = PRIVATE SECTOR CAPITAL INVESTMENT = ECONOMIC DEVELOPMENT = COMPETITIVENESS

#### **Residents**

OLO anticipates that enacting Bill 42-23 would have a neutral impact on certain residents in the County in terms of the Council's priority economic indicators.

The Bill primarily would impact residents who menstruate under certain circumstances. As described by Elizabeth Montano in her article in the University of Miami Law Review, "Like toilets and toilet paper, menstrual hygiene products are necessary to effectively and sanitarily manage natural and unavoidable bodily functions." Yet, unlike toilets and toilet paper, menstrual hygiene products are largely not provided in restrooms. Because many people who menstruate "will unexpectedly start their period while in public without the necessary menstrual hygiene products," Montano explains, "these individuals must frantically search for someone who not only has the products, but who is also willing to share the products. If they fail in this search, or are too humiliated to even try, these individuals must resort to unsanitary and dangerous alternative methods."

By requiring places of public accommodation, such as restaurants, hotels, and retail stores, to provide access to free menstrual products in their restrooms, the Bill would prevent certain residents who menstruate from experiencing the challenging situation Montano describes. Importantly, for certain residents, attaining *free* menstrual products in restrooms likely would <u>not</u> affect their aggregate demand for *paid* menstrual products. For instance, certain people who menstruate may use free menstrual products as a temporary measure that does not replace the total number of paid products they would otherwise purchase. However, for certain residents, having access to free menstrual products in places of public accommodation would decrease their aggregate demand for paid menstrual products over the long-term. Holding all else equal, these residents would experience a minor net decrease in nondiscretionary expenses and increase in income.

The Bill would be particularly helpful for certain low-income residents frequenting places of public accommodation in the County. In fact, studies have found that many low-income people who menstruate have trouble affording menstrual products, must choose between purchasing food and purchasing menstrual products, face transportation obstacles (time and cost) to reaching stores that sell larger quantities of menstrual products at more affordable prices, and experience other barriers.<sup>14</sup>

While the Bill likely would benefit certain residents, it likely would have a minor negative impact on customers of certain places of public accommodation. As explained below, certain businesses likely would pass on a portion of the costs for

<sup>&</sup>lt;sup>12</sup> Montano, "The Bring Your Own Tampon Policy."

<sup>13</sup> Ibid.

<sup>&</sup>lt;sup>14</sup> Sebert Kuhlmann et al., "Unmet Menstrual Hygiene Needs Among Low-Income Women"; Dave et al., "An Overview of Period Poverty and the Public Health Impact of Providing Free Feminine Hygiene Products"; Krumperman, "Period Poverty in the United States."

providing free menstrual products in their restrooms in the form of higher prices for their goods and services. Holding all else equal, higher prices would minim increase household expenses and reduce income.

Beyond these impacts, OLO does not expect the Bill to affect residents in terms of the Council's other priority indicators.

#### Businesses, Non-Profits, Other Private Organizations

OLO anticipates that enacting Bill 42-23 would have a negative impact on certain private organizations in the County in terms of the Council's priority economic indicators.

The Bill applies to places of public accommodation. Under County law, a place of public accommodation is defined as:

- 1. restaurants, soda fountains, and other eating or drinking places, and all places where food is sold for consumption either on or off the premises;
- 2. inns, hotels, and motels, whether serving temporary or permanent patrons;
- 3. retail stores and service establishments;
- 4. hospitals, health care institutions, domiciliary care homes, nursing homes, personal care homes, and clinics;
- 5. motion picture, stage, and other theaters and music, concert, or meeting halls;
- 6. circuses, exhibitions, skating rinks, sports arenas and fields, amusement or recreation parks, picnic grounds, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool rooms, and swimming pools;
- 7. public conveyances, such as automobiles, buses, taxicabs, trolleys, trains, limousines, boats, airplanes, and bicycles;
- 8. utilities, such as water and sewer service, electricity, telephone, and cable television;
- 9. streets, roads, sidewalks, other public rights-of-way, parking lots or garages, marinas, airports, and hangars; and
- 10. places of public assembly and entertainment of every kind. 15

As evident from this list, requiring places of public accommodation to provide access to free menstrual products in their restrooms would affect businesses in a wide range of industries. In particular, these businesses would experience an increase in operating expenses associated with the one-time cost of purchasing and installing menstrual product dispensers and/or the recurring expense of stocking menstrual products. Holding all else equal, higher operating expenses would decrease business income.

OLO expects the negative impacts to be partially mitigated by cost pass-through. Certain businesses likely would pass through a portion of the costs to customers in the form of higher prices for their goods and services. Empirical studies indicate there are differences in the extent to which firms can pass through costs. <sup>16</sup> Thus, it is likely certain businesses would be better able to recoup the costs of providing free menstrual products in restrooms than other businesses.

Finally, the Bill may also impact local retailers who sell menstrual products. Businesses may be more likely to procure menstrual products in bulk through suppliers based outside the County than people who menstruate. If so, the provision of free menstrual products may reduce aggregate demand for menstrual products sold by local retailers.

<sup>&</sup>lt;sup>15</sup> Montgomery County Code, Sec. 27-10.

<sup>&</sup>lt;sup>16</sup> RBB Economics, "Cost Pass-Through."

Beyond these potential impacts, OLO does not expect the Bill to affect private organizations in terms of the Council's other priority indicators.

#### **Net Impact**

OLO anticipates that enacting Bill 42-23 would have a negative impact on overall economic conditions in the County in terms of the Council's priority economic indicators. By requiring places of public accommodation, such as restaurants, hotels, and retail stores, to provide access to free menstrual products in their restrooms, the Bill likely would negatively impact businesses. Certain businesses would experience an increase in operating expenses associated with the one-time cost of purchasing and installing menstrual product dispensers and/or the recurring expense of stocking menstrual products. Higher operating expenses would decrease business income, holding all else equal. In doing so, the Bill would increase the cost of doing business in the County and may undermine the County's reputation as a "friendly business environment." However, certain businesses likely would mitigate the negative impact by passing-through costs for providing free menstrual products onto customers in the form of higher prices for goods and services.

The Bill likely would have a neutral impact on residents. On the one hand, because certain businesses likely would passthrough costs onto customers, the Bill likely would minimally increase household expenses for certain residents, holding all else equal. On the other hand, for residents who use free menstrual products as a partial substitute for paid menstrual products, the Bill likely would minimally reduce nondiscretionary expenses, holding all else equal.

#### **DISCUSSION ITEMS**

Not applicable

#### **WORKS CITED**

Dave, Udit, Ashwin PalaniAppan, Emma Lewis, and Brandon Gosine. "An Overview of Period Poverty and the Public Health Impact of Providing Free Feminine Hygiene Products." *International Journal of Health Services Research and Policy* 7, no. 2 (August 29, 2022): 221–26. https://doi.org/10.33457/ijhsrp.971839.

Gertler, Paul J., Sebastian Martinez, Patrick Premand, Laura B. Rawlings, and Christel M. J. Vermeersch. *Impact Evaluation in Practice, Second Edition*. Washington, DC: Inter-American Development Bank and World Bank, 2016. https://doi.org/10.1596/978-1-4648-0779-4.

Krumperman, Katie. "Period Poverty in the United States." Ballard Brief. Ballard Center for Social Impact, Brigham Young University, February 2023. https://ballardbrief.byu.edu/issue-briefs/period-poverty-in-the-united-states.

Library & Research Services, Harvard Kenney School. "What's the Difference between Peer-Reviewed Literature and Material like White Papers and Policy Briefs?" Accessed October 12, 2023. https://asklib.hks.harvard.edu/faq/171661.

Menstrual Health and Hygiene, The World Bank, May 12, 2022.

Montano, Elizabeth. "The Bring Your Own Tampon Policy: Why Menstrual Hygiene Products Should Be Provided for Free in Restrooms Notes." *University of Miami Law Review* 73, no. 1 (2019 2018): [xi]-412.

Montgomery County Code. Sec. 2-81B, Economic Impact Statements (n.d.).

https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomerycomd/0-0-0-80894.

"Period Poverty: A Neglected Public Health Issue." Korean Journal of Family Medicine, July 2023.

RBB Economics. "Cost Pass-Through: Theory, Measurement, and Potential Policy Implications." Report prepared for the Office of Fair Trading, United Kingdom, June 17, 2014.

https://assets.publishing.service.gov.uk/media/5a74a3a940f0b619c86593b8/Cost\_Pass-Through\_Report.pdf.

#### **CAVEATS**

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

#### **AUTHOR**

Stephen Roblin (OLO) prepared this report.

## Fiscal Impact Statement

Office of Management and Budget

#### Bill 42-23

## **Health and Sanitation - Menstrual Products in Public Restrooms - Required**

#### **Bill Summary**

Bill 42-23 requires places of public accommodation to provide free menstrual products in public restrooms. The Bill requires the Department of Health and Human Services (DHHS) to enforce the bill. Noncompliance with the bill's requirements is a Class A violation.

#### **Fiscal Impact Summary**

Expenditures increase by \$2.0 million in FY25 and \$1.1 million each year thereafter. Revenues increase by \$50,000 starting in FY26. This analysis assumes DHHS will require additional staff to accommodate an increased inspection workload from the bill. The new position will also require a vehicle. DHHS incurs \$179,600 in the first year, and \$122,000 each year thereafter. This analysis assumes that free menstrual products are provided in all public women's and unisex restrooms in Montgomery College, Maryland National Capital Park and Planning Commission (MNCPPC), and Department of General Services (DGS)-operated facilities. Combined, Montgomery College, MNCPPC, and DGS incur \$1.4 million in the first year and \$979,800 each year thereafter. State law already requires Montgomery County Public Schools to provide free menstrual products in all women's restrooms by August 2025. This analysis assumes MCPS incurs \$468,000 in FY25 costs to provide free menstrual products one school year earlier than the State's required implementation date. Assuming 1 percent of DHHS' inspections result in a violation fine, \$50,000 revenue would be generated each year.

Fiscal Year	25	26	27	28	29	30	Total
<b>Personnel Costs</b>	\$114,400	\$114,400	\$114,400	\$114,400	\$114,400	\$114,400	\$686,400
Operating Expenses	\$1,914,200	\$987,400	\$987,400	\$987,400	\$987,400	\$987,400	\$6,851,200
<b>Total Expenditures</b>	\$2,028,600	\$1,101,800	\$1,101,800	\$1,101,800	\$1,101,800	\$1,101,800	\$7,537,600
Revenues	\$0	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000
Total Impact	(\$2,028,600)	(\$1,051,800)	(\$1,051,800)	(\$1,051,800)	(\$1,051,800)	(\$1,051,800)	(\$7,287,600)
FTE	1.00	1.00	1.00	1.00	1.00	1.00	

#### **Expenditures**

**DHHS:** One additional Environmental Health Specialist II position will be used to implement the bill. The position's compensation would total \$114,400 annually. The position will also incur \$6,200 operating expenses in the first year and \$1,600 each year thereafter. The position requires a vehicle with a one-time purchase cost of \$53,000 and \$6,000 in ongoing maintenance costs.

#### **Fiscal Impact Analysis**

**DGS:** DGS manages custodial services for approximately 1,000 restrooms. Data on the exact distribution of men's, women's, and unisex restrooms was not available at the time of this writing. Assuming 60 percent of restrooms are women's or unisex restrooms, DGS would incur \$1.1 million in costs during FY25, including \$194,700 in one-time costs to install dispensers and receptacles, and \$892,000 annually to restock supplies. **Montgomery College:** Montgomery College will incur \$195,000 in costs during FY25, including \$120,000 in one-time costs to install dispensers, and \$75,000 annually to



2023 | Montgomery County, MD page 1 of 3

restock supplies.

**MNCPPC:** MNCPPC manages 105 women's and unisex restrooms. MNCPPC would incur \$99,300 in costs in FY25, including \$86,500 in one-time costs to install dispensers and \$12,800 in ongoing costs to restock supplies.

Montgomery County Public Schools: State law (Md. Code, Educ. § 7-449) requires that public schools provide free menstrual products in all women's restrooms in middle and high schools by August 2025. The State also reimburses counties for the cost of purchasing and installing dispensers in women's restrooms in public middle and high schools. At least two women's restrooms in each middle and high school are already required to provide free menstrual products as of October 2022. This bill requires provision of free menstrual products one school year before the State requirement takes effect. This analysis assumes approximately 5 restrooms in each of the County's middle schools, and 10 restrooms in each of the County's high schools, would be required to start providing free menstrual products in the 2024-2025 school year. MCPS will incur \$468,000 in FY25 costs to provide free menstrual products one year prior to the State's required implementation deadline. This analysis assumes the bill creates no further MCPS fiscal impact after FY25, as the pre-existing State requirement will take effect in FY26.

#### Revenues

As this is a completely new type of requirement, it is difficult to accurately estimate the number of violations that may be identified each year. This analysis assumes that at least 1 percent of investigations (100 annually) result in a violation fine. No violation fines are assumed in the first year of operations.

#### Staff Impact

DHHS inspects places of public accommodation including food services establishments, theaters, concert halls, meeting halls, inns, motels, hotels, swimming pools, health care facilities, retail stores and services, and other establishments. DHHS estimates that there are over 3,900 places of public accommodation in the County. Some establishments require inspection more than once per year. For example, public swimming pools require four inspections each year. In total, DHHS estimates that it conducts approximately 10,000 inspections each year. Each inspection can take between 30 minutes to 3 hours, depending on the size and complexity of the facility. DHHS also conducts approximately 300 investigations in response to complaints each year. DHHS estimates the bill could add between 1 and 30 minutes to an inspection. In addition, complaint-based inspections at facilities that DHHS does not regulate will each add up to one hour to the inspection workload.

Assuming 10 to 15 minutes are added to each of its 10,000 inspections, DHHS' workload could increase 2,000 hours each year. One Environmental Health Specialist II would be needed to accommodate the increased workload. The staff cost of restocking DGS, Montgomery College, MNCPPC, and MCPS restrooms with menstrual products is not included in this analysis, but it is assumed that custodial staff could handle the restocking within existing workloads.

#### **Actuarial Analysis**

The bill is not expected to impact retiree pension or group insurance costs.

### Information Technology Impact

The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

#### Other Information

Later actions that may impact revenue or expenditures if future spending is projected

The bill does not authorize future spending.



2023 | Montgomery County, MD page 2 of 3

Ranges of revenue or expenditures that are uncertain or difficult to project

For DHHS, this analysis assumes that all 10,000 inspections will review places of public accommodation with public restrooms, but some locations may not offer public restrooms. Each department projects expenditures for purchasing sanitary napkin dispensers, however some restrooms in DGS, Montgomery College, and MNCPPC facilities may already have dispensers. This analysis assumes that women's and unisex restrooms are supplied with menstrual products. To ensure equity for transgender men and nonbinary individuals that use men's restrooms, menstrual products may be provided in men's restrooms, although the number of dispensers and menstrual products that would be utilized in men's restrooms is uncertain and not included in this analysis. It is unclear how many places of public accommodation may violate the bill and generate fine revenue. For illustrative purposes, this analysis assumes one percent of inspections would result in a violation and fine; to the extent that the actual number of violations is higher or lower than this assumption, the revenues would adjust accordingly.

#### Contributors

Grace Pedersen, Julie Knight, Justine Jones, Mahnoor Anjum, Office of Management and Budget

Kenneth Welch, Jason Rundell, Department of Health and Human Services Marcela Dimayuga, Department of General Services Katie Knaupe, Maryland National Capital Park and Planning Commission

Linda Hickey, Montgomery College



2023 | Montgomery County, MD page 3 of 3

# Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 42-23: HEALTH AND SANITATION — MENSTRUAL PRODUCTS IN PUBLIC RESTROOMS — REQUIRED

#### **SUMMARY**

The Office of Legislative Oversight (OLO) anticipates Bill 42-23 will have a positive impact on RESJ in the County. Increasing access to free menstrual products in places of public accommodation will especially benefit lower-income community members who are more likely to be Black or Latinx. White-owned businesses are likely to bear most of the costs associated with this Bill.

#### **PURPOSE OF RESJ IMPACT STATEMENTS**

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.<sup>1</sup> Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.<sup>2</sup>

#### PURPOSE OF BILL 42-23

Period poverty refers to "inadequate access to menstrual products, education, and sanitation facilities." Globally, the World Bank estimates 500 million people lack access to menstrual products and adequate facilities for managing menstrual hygiene. Several studies suggest that period poverty is also a considerable issue in the U.S., especially among low-income people. The Alliance for Period Supplies calculates that state legislatures are currently considering 151 bills "related to period products, menstrual health, equity, access, and/or taxation."

The purpose of Bill 42-23, the Menstrual Products Access and Equity Act, is to require places of public accommodation such as restaurants, hotels, and retail stores to provide access to free menstrual products in their restrooms. Bill 42-23 would only apply to places of public accommodation that are required by law to provide restroom facilities to customers or the general public. According to the Bill's sponsor, Bill 42-23 is intended to "improve menstrual equity and reduce period poverty in Montgomery County." Violation of the Bill's requirements would be a Class A violation.

Bill 42-23, Health and Sanitation – Menstrual Products in Public Restrooms – Required, was introduced by the County Council on November 14, 2023.

#### PERIOD POVERTY AND RACIAL EQUITY

UNICEF estimates that 1.8 billion people across the world – including women, girls, transgender men, and non-binary persons – menstruate every month. Yet, menstrual health and hygiene (MHH) is a public health issue that is largely underresearched, including in the  $U.S.^{11}$ 

Bill 42-23

Period poverty is a MHH concern largely driven by the high cost of menstrual products as well as by the stigma and lack of education around menstruation.<sup>12</sup> Period poverty can have considerable consequences for people who menstruate, including risk of infection and other health problems from using unsanitary alternatives to menstrual health products or using products for longer than recommended, and missing days from school, work, and other activities.<sup>13,14</sup>

Available research on period poverty in the U.S. suggests this concern is most prevalent among low-income people who menstruate. For instance:

- A 2020 study of over 1,000 menstruating adults in the U.S. found that lower-income participants and participants with COVID-19 pandemic-related income loss were more likely unable to afford menstrual products.<sup>15</sup>
- A 2019 study of menstrual product taxation in the U.S. found that the financial burden of taxing menstrual products "decreased the accessibility of menstrual products specifically for the marginalized low-income women and women with heavy menstrual bleeding."
- A study of 183 low-income women in St. Louis, MO between 2017 and 2018 found that nearly two-thirds were unable to afford menstrual products at some point during the previous year.<sup>17</sup>

While menstrual products are a necessity for people who menstruate, there are few resources for low-income people to access them affordably. Indeed, benefits such as the Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) cannot be used to purchase menstrual products.<sup>18</sup>

Few studies have specifically aimed to understand the impact of period poverty by race and ethnicity. However, there is some evidence to suggest that BIPOC are especially impacted by this issue. For instance:

- The previously referenced 2020 study of over 1,000 menstruating adults in the U.S. found that identifying as Black or Latinx was associated with not being able to afford menstrual products.<sup>19</sup>
- A 2021 study of over 1,000 adults in the U.S. conducted by U by Kotex found that nearly a quarter of Black and Latinx people struggled to afford period products in the last year, compared to 8 percent of White people.<sup>20</sup>

Lower incomes and higher poverty rates among BIPOC imply they are particularly impacted by period poverty. Table 1 summarizes the median household income and percent of people living below the poverty level by race and ethnicity in the County. This data suggests that, locally, the median household incomes of Black and Latinx households are \$30,000 less than the County median. Conversely, the median household incomes of White and Asian households are respectively \$22,000 and \$11,000 more than the County median. Further, Black and Latinx community members have poverty rates nearly three times the poverty rate of White community members. Racial inequities driving disparities in income and poverty by race and ethnicity originate from a legacy of government policies and practices – including land theft, slavery, and segregation – that structurally advantaged White people and structurally oppressed and disadvantaged BIPOC.<sup>21,22</sup>

Bill 42-23

Table 1: Poverty Rates and Median Household Income by Race and Ethnicity, Montgomery County<sup>23</sup>

Race and ethnicity	Median Household Income	Poverty Rates
County	\$117,345	7.0
Asian	\$128,746	6.5
Black	\$82,835	11.0
Native American	\$95,129	7.0
Pacific Islander	-	4.6
White	\$139,371	4.0
Latinx	\$85,910	10.8

Source: 2021 American Community Survey 5-Year Estimates (Table S1903, Table S1701), Census Bureau.

#### ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 42-23 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

**For the first question,** OLO considered the various stakeholders that would be impacted by the provision of free menstrual products in places of public accommodation with restrooms:

- County constituents and other people who menstruate that frequent places of public accommodation in the County will benefit from increased access to free menstrual products in restrooms. As approximated by the number of females of childbearing age (15-49 years) in the County, nearly 250,000 or 23 percent of constituents menstruate. OLO assesses that the racial and ethnic demographics of County constituents who menstruate likely do not differ significantly from the general population of constituents. Thus, there are no racial and ethnic disproportionalities among the primary beneficiaries of this Bill.
- Business owners operating places of public accommodation will face increased costs for providing free menstrual products in restrooms. Table A in the Appendix presents the demographics of business owners by race and ethnicity for all sectors in the DC metro region and four sectors that are likely to be impacted by this Bill. Table A suggests:
  - White people are generally overrepresented among business owners in all sectors impacted by this Bill compared to their share of the population.
  - Asian people are overrepresented among business owners in the retail trade and accommodation and food services sector compared to their share of the population.
  - Black people are overrepresented among business owners in the health care and social assistance sector compared to their share of business ownership in all sectors.
  - Latinx people are proportionately represented among business owners in the accommodation and food services sector compared to their share of business ownership in all sectors.

Bill 42-23

**For the second question,** OLO considered how this Bill could impact racial disparities in period poverty. As previously described, there are few resources for low-income people who menstruate to affordably access menstrual products. Though it will likely not meet the full need for menstrual products, low-income people who menstruate will especially benefit from increased access to free menstrual products in places of public accommodation that could help mitigate the consequences of period poverty. Black and Latinx community members in the County would particularly benefit as they generally have lower incomes and experience higher rates of poverty.

OLO anticipates Bill 42-23 will have a positive impact on RESJ in the County. Increasing access to free menstrual products in places of public accommodation would especially benefit lower-income community members who are more likely to be Black or Latinx. While BIPOC-owned businesses are overrepresented in some sectors that are likely to be affected by the Bill, White-owned businesses are overrepresented in all relevant sectors. Thus, White-owned business are likely to bear most of the costs associated with providing free menstrual products through this Bill.

#### **RECOMMENDED AMENDMENTS**

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.<sup>25</sup> OLO anticipates Bill 42-23 will have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments.

#### **CAVEATS**

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

#### **CONTRIBUTIONS**

OLO staffer Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement.

Bill 42-23

#### **APPENDIX**

Table A: Percent of Population and Business Owners for Select Sectors by Race and Ethnicity, Washington-Arlington-Alexandria. DC-VA-MD-WV Metro Area<sup>26</sup>

Race and ethnicity	Population	All Sectors (NAICS 00)	Retail Trade (NAICS 44-45)	Health Care and Social Assistance (NAICS 62)	Arts, Entertainment, and Recreation (NAICS 71)	Accommodation and Food Services (NAICS 72)
Asian	11.0	18.4	29.4	-	-	44.6
Black	24.5	7.0	5.5	13.9	-	-
Native American	0.6	-	-	-	-	-
Pacific Islander	0.1	0.2	•	1	-	-
White	44.5	67.5	56.4	52.9	64.5	48.3
Latinx	17.1	6.0	-	1	-	7.3
Unclassifiable	N/A	6.6	7.1	11.2	27.0	2.5

Source: 2020 Decennial Census (Table DP1) and OLO Analysis of 2020 Annual Business Survey (Table AB2000CSA01), Census Bureau.

<sup>&</sup>lt;sup>1</sup> Definition of racial equity and social justice adopted from "Applying a Racial Equity Lens into Federal Nutrition Programs" by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. https://www.racialequitytools.org/glossary <sup>2</sup> Ibid.

<sup>&</sup>lt;sup>3</sup> Period Poverty: A Neglected Public Health Issue, Korean Journal of Family Medicine, July 2023.

<sup>&</sup>lt;sup>4</sup> Menstrual Health and Hygiene, The World Bank, May 12, 2022.

<sup>&</sup>lt;sup>5</sup> Katie Krumperman, "Period Poverty in the United States," Ballard Brief, February 2023.

<sup>&</sup>lt;sup>6</sup> Menstrual Equity Legislation, Alliance for Period Supplies.

<sup>&</sup>lt;sup>7</sup> Introduction Staff Report for Bill 42-23, Montgomery Council, Introduced November 14, 2023.

<sup>&</sup>lt;sup>8</sup> <u>"Councilmember Will Jawando Introduces Bill to Improve Menstrual Equity in Montgomery County,"</u> Office of Councilmember Jawando, Montgomery County Council, November 14, 2023.

<sup>&</sup>lt;sup>9</sup> Montgomery County Code § 1-19

<sup>&</sup>lt;sup>10</sup> Menstrual Hygiene, UNICEF.

<sup>&</sup>lt;sup>11</sup> Menstruation in the U.S., Mailman School of Public Health, Columbia University.

<sup>&</sup>lt;sup>12</sup> Krumperman

<sup>13</sup> Ibid.

<sup>&</sup>lt;sup>14</sup> Shelby Davies, et. al., <u>"Period Poverty: The Public Health Crisis We Don't Talk About,"</u> Policy Lab, Children's Hospital of Philadelphia, April 6, 2021.

<sup>&</sup>lt;sup>15</sup> Marni Sommer, et. al., <u>"Menstrual Product Insecurity Resulting From COVID-19–Related Income Loss, United States, 2020,"</u> American Journal of Public Health, April 2022.

<sup>&</sup>lt;sup>16</sup> Bhuchitra Singh, et. al., "Period Poverty and the Menstrual Product Tax in the United States," Obstetrics & Gynecology, May 2020.

<sup>&</sup>lt;sup>17</sup> "SLU Study: Menstrual Hygiene Needs Unmet for Low-Income St. Louis Women," St. Louis University, January 10, 2019.

<sup>&</sup>lt;sup>18</sup> Davies, et. al.

<sup>&</sup>lt;sup>19</sup> Sommer, et. al.

<sup>&</sup>lt;sup>20</sup> U by Kotex Period Poverty Awareness Week – Survey Results, Alliance for Period Supplies.

<sup>&</sup>lt;sup>21</sup> Kilolo Kijakazi, et. al., <u>"The Color of Wealth in the Nation's Capital,"</u> Urban Institute, November 1, 2016.

<sup>&</sup>lt;sup>22</sup> "Turning the Floodlights on the Root Causes of Today's Racialized Economic Disparities," Federal Reserve Bank of Boston, 2020.

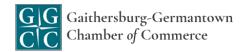
<sup>&</sup>lt;sup>23</sup> Latinx is an ethnicity rather than a race. Therefore, Latinx people are included in multiple racial groups throughout this impact statement, unless where otherwise noted.

<sup>&</sup>lt;sup>24</sup> Table DP1, 2020 Decennial Census, Census Bureau.

Bill 42-23

<sup>&</sup>lt;sup>25</sup> Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council

<sup>&</sup>lt;sup>26</sup> Business ownership percentages are based on Census estimates for number of employer firms in each sector. Estimates are not available for all racial and ethnic groups.









December 12, 2023

The Honorable Andrew Friedson Council President Montgomery County Council 100 Maryland Avenue Rockville, Maryland 20850

Dear President Friedson and Councilmembers:

#### Re: Bill 42-23, Menstrual Products Access and Equity Act

On behalf of the Gaithersburg-Germantown Chamber of Commerce, Greater Bethesda Chamber of Commerce, Greater Silver Spring Chamber of Commerce, and Montgomery County Chamber of Commerce, we recommend against supporting Bill 42-23, *Menstrual Products Access and Equity Act* as currently drafted. While we commend the good intentions of the bill, our chambers ask that the Council oppose this bill and consider other proposals that would have a positive impact on period poverty.

If the Council considers legislative action, we would be supportive of an amendment to Bill 42-23 that requires only County-owned buildings, including but not limited to libraries, recreation centers, and regional service centers, to provide menstrual products in its bathrooms. This effort could be combined with an educational campaign that encourages members of the community to, if they have not done so already, provide free menstrual products voluntarily.

We contend that this bill is not necessary. The State of Maryland already requires that all middle and high schools provide menstrual products in their restrooms. Furthermore, Maryland reduces the costs of menstrual products by exempting those items from the State sales and use tax. It is also our understanding that a significant number of businesses and non-profits already provide menstrual products at their own expense or through partnerships that allow them to do it affordably.

Our chambers are also concerned about the bill's unknown expense to businesses. It is not difficult to imagine a scenario where free menstrual products in a business are taken on a consistent basis. In that scenario, small businesses in particular face high costs to keep menstrual products available, and the specter of a significant fine as mandated by Bill 42-23.

Bill 42-23, in our estimation, brings with it unintended consequences for the County's economy. County businesses are already facing a growing list of requirements that must via new laws and regulations. This proposal, which contains confusing language as to what restrooms even fall under this mandate, further complicates the environment that faces Montgomery County businesses. Ultimately, additional mandates on businesses harm the County's competitiveness and add yet another requirement that does not exist statewide or in virtually every other nearby jurisdiction.

We, as a united group of business organizations, appreciate the opportunity to weigh in on Bill 42-23 and ask that the Council consider other options to address issues regarding period poverty.

Warmest regards,

Georgette "Gigi" Godwin

President & CEO

Montgomery County Chamber of Commerce

Paula Ross

President & CEO

Paula Post

Gaithersburg-Germantown Chamber of Commerce

Stephanie Hesling

President & CEO

**Greater Silver Spring Chamber of Commerce** 

Atoprami of . Haking

Illie Williams

Allie Williams

President & CEO

Greater Bethesda Chamber of Commerce



Hispanic Chamber of Commerce Montgomery County 10400 Connecticut Ave. Suite 308 Kensington, MD 20895

December 11, 2023

Montgomery County Councilmembers 100 Maryland Avenue Rockville, Maryland 20850

Re: Bill 42-23, Menstrual Products Access and Equity Act

Dear Councilmembers:

The Hispanic Chamber of Commerce Montgomery County (HCCMC) opposes Bill 42-23, the Menstrual Products Access and Equity Act, as currently drafted. We believe that alternative proposals can better address the important issue of providing free menstrual products while minimizing unintended consequences.

The HCCMC supports the amendment proposed by the Gaithersburg-Germantown Chamber of Commerce, Greater Bethesda Chamber of Commerce, Greater Silver Spring Chamber of Commerce, and Montgomery County Chamber of Commerce. This amendment suggests limiting the bill's scope to County-owned buildings, such as libraries, recreation centers, and regional service centers. This targeted approach ensures a more focused impact and alleviates concerns related to small and minority-owned businesses.

The State of Maryland already mandates that all middle and high schools provide menstrual products in their restrooms, and it further reduces the costs of these products by exempting them from the State sales and use tax.

The HCCMC is particularly concerned about the direct impact this bill may have on small and minority-owned businesses in the County. These businesses often face unique challenges, including limited resources to guard against indiscriminate removal of menstrual products, resulting in higher operational costs.

We look forward to further dialogue on this matter.

Sincerely,

Carmen O(tiz)Larsen

President

Hispanic Chamber of Commerce Montgomery County



#### Bill 42-23, Menstrual Products in Public Restrooms - Required

Montgomery County Council Meeting
December 12, 2023
Position: Oppose

Dear President Glass, Vice President Friedson and Honorable Members of the Council:

The Maryland Hotel Lodging Association (MHLA) is the sole statewide trade association dedicated to advocacy for Maryland's lodging industry, which supports more than 106,000 jobs and contributes \$9.3B to Maryland's economy annually.<sup>1</sup> Our members include more than 20 hotels with over 4,400 rooms located in Montgomery County.

Bill 42-23 would require hotels and other places of public accommodation to provide complimentary menstrual products in restrooms, subject to a Class A Violation that is enforceable by the Department of Health and Human Services.

Hotels have a longstanding practice of ensuring basic toiletries, including menstrual products, are available if needed upon request by guests. While the need for menstrual products is at times a necessity for certain females, we feel it is inappropriate for the government to place responsibility for it on private businesses. It would be costly, burdensome and potentially impossible for hotels to supply complimentary menstrual products, the related dispensers, and the staff necessary to stock and monitor each public restroom in a hotel 24/7.

If this bill moves forward, we hope to receive clarification on some specific questions and concerns. As written, we believe the bill would only apply to bathrooms in hotel common areas and would exclude those in guest rooms. Is this the sponsor and/or the Council's intent? Would this requirement also apply to men's bathrooms? How would the requirement be enforced? Would a business have an opportunity for a cure period before receiving a Class A penalty?

We have significant concerns with the legislation before you and respectfully request an <u>Unfavorable Report</u> on <u>Bill 42-23</u>.

<sup>&</sup>lt;sup>1</sup> AHLA Dashboard (morningconsultintelligence.com)



PERIOD.

Friday, November 17, 2023

The Honorable Evan Glass President, Montgomery County Council 100 Maryland Ave Rockville, MD 20850

Dear Council President and Members of the Montgomery County Council:

PERIOD. is pleased to support Bill 42-23, the Menstrual Products Access & Equity Act, sponsored by Councilmember Jawando.

Passing this legislation is a crucial step toward ensuring access to menstrual products for all individuals who menstruate. Menstrual products, like toilet paper and soap, are fundamental to ensuring the health, dignity, and full participation of all residents. It is disheartening to acknowledge that across the County, period poverty persists, isolating those who menstruate from accessing essential products to manage their periods. Bill 42-23 presents a proactive solution to this issue by mandating free access to menstrual products in all public restrooms in Montgomery County.

The proposed legislation, which requires public accommodations to provide menstrual products at no cost, is a commendable effort to advance health and menstrual equity. This mandate, applicable to all public spaces with permanent restrooms, demonstrates a commitment to fostering gender equality and promoting the overall well-being of individuals who menstruate.

Passing Bill 42-23 is a critical step toward removing barriers to equity for all Montgomery County residents who menstruate, especially those who have struggled to access menstrual products due to income.

By ensuring free access to menstrual products in public restrooms, we can take a significant step towards removing barriers to equity across Montgomery County. Thank you for your time and dedication to this important cause.

Sincerely,

Michela Bedard Executive Director PERIOD. Inc., Damaris Pereda National Programs Director PERIOD. Inc.,



#### COMMUNITY ENGAGEMENT CLUSTER

December 7, 2023

The Honorable Andrew Friedson President, Montgomery County Council 100 Maryland Ave. Rockville, MD 20850

RE: Bill 42-23 Health and Sanitation--Menstrual Products in Public Restrooms

Dear President Friedson:

The Montgomery County Commission for Women (Commission) is writing to support Bill 42-23 Health and Sanitation--Menstrual Products in Public Restrooms, but with a few caveats. The Commission was established under law in 1972. The mandate of the Commission is to advise the County Executive, the County Council, the public, and agencies of the county, state and federal governments on issues concerning women in Montgomery County. (Montgomery County Code Sec. 27 - 29). Providing feedback on this bill is a part of meeting our mandate.

The Commission had robust conversations around the bill and supports it in concept and would like to see provisions for exemptions and/or limited fines and/or penalties proportionate the size of the business. The Commission has concerns that the smaller businesses may not have access to the same resources that large corporations may have to meet the mandate of the bill, resulting in potential closure of the business and employee layoff. Many of the small businesses are either owned, operated, and/or employ significant female populations.

Unfortunately, no one from the Commission can testify at the hearing on December 11. If anyone has any further questions, please contact Jodi Finkelstein, Executive Director, at <a href="Jodi.Finkelstein@montgomerycountymd.gov">Jodi.Finkelstein@montgomerycountymd.gov</a> or (240) 447-1934.

Thank you for your service and your support of the Commission.

Sincerely,

aglada Jellark

Arlinda J. Clark, Esq., Chair Commission for Women Montgomery County

21 Maryland Avenue, Suite #330 • Rockville, Maryland 20850–1703 • 240-777-8333 • FAX 240-777-2555 www.montgomerycountymd.gov/cfw







November 30, 2023

Montgomery County Council 100 Maryland Avenue Rockville, MD 20850

Subject: Support for Bill 42-23 - Access to Menstrual Hygiene Products

Dear Members of the Montgomery County Council,

On behalf of the Alliance for Period Supplies, I am writing to express our strong support for Bill 42-23, which aims to provide greater access to menstrual hygiene products in Montgomery County. This crucial initiative aligns with our mission to ensure that individuals experiencing period poverty have equitable access to essential menstrual hygiene products.

The Alliance for Period Supplies is comprised of over 120 independent nonprofit organizations across 37 states and Washington, D.C. that collect, warehouse, and distribute period products to those in need.

The advancement of equitable access to menstrual products is vital for ensuring the health and dignity of those that reside in r the county. In addition to resource costs, a lack of access to menstrual products can also cause serious health issues, including emotional duress, physical infection, and disease. Inadequate menstrual support is also associated with other health and psycho-social issues, particularly among low-income people.

Bill 42-23 represents a critical step towards addressing period poverty by requiring public facilities within Montgomery County to provide free menstrual hygiene products. This measure will make a profound difference in the lives of individuals who struggle to afford these basic necessities. By ensuring that these products are readily available in public restrooms, we not only uphold human dignity but also promote inclusivity and equity within our community.

The Alliance for Period Supplies commends the Montgomery County Council for considering this important legislation. We firmly believe that access to menstrual hygiene products should be a right, not a privilege, and this bill aligns with our vision of creating a society where no one faces barriers to accessing these essential items.

We urge the Montgomery County Council to pass Bill 42-23 and set a precedent for other communities to follow. By doing so, you will positively impact the lives of countless individuals in Montgomery County and contribute to a more just and equitable society.

Thank you for your attention to this critical matter. We stand ready to support and collaborate with you in any way possible to ensure the successful passage and implementation of this essential legislation.

Sincerely,

Lacey Gero

Director of Government Relations

Alliance for Period Supplies

Lacey Gero



#### **Montgomery County Community Action Board Testimony**

County Council Bill 42-23: Health and Sanitation - Menstrual Products in Public Restrooms – Required

#### **SUPPORT**

The Montgomery County Community Action Board, the federal, state, and locally designated anti-poverty group, strongly supports County Council Bill 42-23, which focuses on ensuring access to menstrual products in public restrooms. This crucial legislation reflects a commitment to promoting public health, hygiene, and gender equity within our community.

Access to menstrual products is a basic human right, and it directly impacts the well-being and dignity of individuals who menstruate. Unfortunately, the lack of available products in public restrooms can lead to significant challenges for those who unexpectedly find themselves without the necessary supplies. The legislation is an excellent first step in addressing a lesser-known poverty: period poverty, which is the term used for those struggling to access menstrual hygiene products. Period poverty disproportionately affects low-income individuals, students, and others who may face financial barriers to purchasing these products regularly as we know that they are not covered by SNAP or any other benefits. A 2021 study from Kotex demonstrated that 2 in 5 people struggle to afford supplies, and with recent inflation it is believed that number is even higher. Not having access to hygiene supplies causes people to miss work or school, impacting their quality of life.

Period poverty can be especially challenging in an area like Montgomery County where the cost of living is so high. The 2023 Montgomery County Self-Sufficiency Standard for a household with one adult, one preschooler, and one school age child is an annual income of \$116,864 – over four and a half times the federal poverty level. This adult is spending close to half of their income on housing and child care alone. Less than 8% of their income can be allocated for miscellaneous items – a category that includes menstrual hygiene products, along with other critical necessities such as clothing, internet access, and a cell phone.

By mandating the provision of menstrual products in public restrooms, Bill 42-23 addresses a fundamental aspect of public health and sanitation. Menstrual hygiene is essential for preventing infections and maintaining overall well-being. By taking this proactive step, our county can contribute to the creation of a more inclusive and supportive environment for everyone, regardless of gender and can become a leader in the State and join the many other jurisdictions across the country who are already providing these supplies to their constituents.

<sup>&</sup>lt;sup>1</sup> https://www.bostonglobe.com/2023/08/09/opinion/its-dignity-issue-inside-movement-tackling-period-poverty-us/

<sup>&</sup>lt;sup>2</sup> https://maryland-cap.org/the-maryland-2023-self-sufficiency-standard-calculator/

Moreover, ensuring access to menstrual products in public restrooms aligns with broader efforts to break down barriers and reduce stigma surrounding menstruation, and address economic inequality as these products would be available to any menstruating person. This bill sends a powerful message that our community values the health and dignity of all its members, regardless of gender identity or socioeconomic status.

The Board applauds the County Council for opening up this important conversation and prioritizing such an important piece of legislation. We urge you to vote in favor of Bill 42-23, contributing to the well-being and equality of all individuals within our community. Together, we can create a more inclusive County for everyone.

Thank you for your time and consideration.



# NATIONAL COUNCIL OF NEGRO WOMEN, INC. POTOMAC VALLEY SECTION

Post Office Box 10031 Silver Spring, Maryland 20914

### Montgomery County Council Bill 42-23, Health and Sanitation – Menstrual Products in Public Restrooms NCNW-PVS Social Justice Committee – December 12, 2023 SUPPORT

Good morning, my name is Marilyn Massey-Ball, President of the Potomac Valley Section of the National Council of Negro Women (NCNW). Thank you for the opportunity to testify in favor of Montgomery County Council Bill 42-23. NCNW is one of the largest and most active national women's organizations in the country whose mission is to "lead, empower, and advocate for women of African descent, their families and communities". Our members are strong community advocates and include many elected officials on local, state and federal levels.

Bill 42-23 will not only address the concern of menstrual equity and health, but also concerns of physical and mental health. The need for menstrual products is a necessity, not a luxury; however, it is not treated as such and this, unfortunately, leads to limited to minimal resources for education and affordability. A 2023 study found that 16.9 million people who menstruate live in poverty and 2/3 of them stated that they struggled to afford menstrual products. In Maryland, 1 in 9 women & girls between the ages of 12 & 44 lives below the Federal Poverty Line. Current government assistance programs such as the Supplemental Nutrition Assistance Program (SNAP) and Supplemental Nutrition Program for Women, Infants and Children (WIC) cannot be utilized to purchase menstrual products. Bill 42-23 specifically addresses this gap and will provide muchneeded relief; particularly to Montgomery County's low-income, at-risk residents in our Black communities.

Rising costs of menstrual products and the lack of menstrual and educational resources and accessibility can also lead to physical health issues due to the use of old cloths/rags, toilet tissue/paper towels, newspapers, as well as using menstrual products longer than recommended. These alternatives effectively cause poor hygiene, bacterial infections, reproductive health risks and the increased risk of potentially severe and/or fatal complications such as toxic shock syndrome.

In low-income communities, the compounding of multiple menstrual health challenges (i.e. lack of hygiene facilities, menstrual products, waste management and education) can ultimately result in generational cycles, within multigenerational households. These are key factors in menstrual inequity which disproportionately affect Black communities.

Given all that we are experiencing around the world today, access to menstrual products should not be the cause of increased mental health risks for Montgomery County residents. Young adult, college-age and adult women should not have to choose between purchasing food or purchasing feminine products. The inability to meet financial and menstrual health needs affects mental health. Providing free access to menstrual products will assist in addressing menstrual, physical and mental health challenges.

Montgomery County Council December 11, 2023 Page 2

According to the World Bank, as many as 500 million people across the globe lack access to basic menstrual products and hygienic bathroom facilities for use during their menstrual cycles. This is a global issue and NCNW-PVS thanks Councilmember William Jawando for championing legislation to combat period poverty for residents of Montgomery County, MD.

We ask for your support for passage of Bill 42-23 and strongly urge a favorable Committee report.

Respectfully,

Marilyn M. Massey-Ball Marilyn M. Massey-Ball, MPH

NCNW-Potomac Valley Section, President



#### MARYLAND RETAILERS ALLIANCE

The Voice of Retailing in Maryland



# Bill 42-23 Health and Sanitation – Menstrual Products in Public Restrooms – Required Montgomery County Council December 12, 2023

**Position: Unfavorable** 

**Background:** Bill 42-23 would require many "places of public accommodation" to provide menstrual products to patrons for free.

**Comments:** The Maryland Retailers Alliance (MRA) has serious concerns about the potential impact of Bill 42-23 on private businesses operating in Montgomery County. The lack of specificity in the bill, the fines associated with a Class A violation, and the overall cost to businesses would have far-reaching effects on the county's retailers and other businesses. While some jurisdictions require menstrual products to be provided in school systems, no county or state in the country has passed a mandate to require private businesses to provide menstrual items to the public at no cost.

The official description of Bill 42-23 indicates that the law would apply only to "places of public accommodation that, by law, are required to provide restroom facilities to their customers or the general public". The list of "places of public accommodation" that follows in the bill's description is expansive and includes a variety of locations that may or may not be impacted by the proposal. The bill itself places the language around the legal requirement to provide a restroom within the definition of "public restroom" and neglects to specify exactly which places of public accommodation are held to that legal requirement. County staff indicated to MRA that the type of license held by a business determines whether a public restroom is required by law, but the impacted licenses are not specified in the legislation or indicated online in licensing information provided by the State Licensing Bureau or the Office of the Comptroller. The Maryland Health-General Code Ann. § 21-325 requires "food service facilities" to provide a public restroom to patrons, and Health-General Code Ann. § 21-301 defines "food service facilities" as 1) a place where food or drink is prepared for sale or service on the premises or elsewhere; or 2) any operation where food is served to or provided for the public, with or without charge. This would apply to any full-service grocery store with a prepared food section and would impact any retailer, shopping center, or venue of any kind with a café counter, snack bar, or food court area. MRA members expressed concerns about the potential for the definition of "food service facility" to be interpreted loosely enough to apply to any retailer that sells food products, including small businesses specializing in items like high quality olive oil; pharmacies, department stores, and boutiques that sell a small variety of food products; and even retailers like liquor and hardware stores that sell snacks and beverages at the check-out area. The lack of clarity in the bill and in public information for business owners regarding the specific venues or licenses that would be impacted by the proposal will result in confusion among members of the retail community about its application and will present a serious issue for compliance expectations.

171 CONDUIT STREET, ANNAPOLIS, MD 21401 | 410-269-1440

The lack of clarity in the bill continues in the language establishing the requirement to provide menstrual products. While MRA appreciates the intent of the sponsor to allow flexibility for businesses by not requiring that a variety of menstrual products be provided and not specifying that a dispenser is explicitly required, that lack of specification has resulted in questions about compliance from our members. Businesses with either multi-stall restrooms designated by gender or multiple single-toilet unisex restrooms would ostensibly be required to place and maintain a dispenser or container of menstrual products in every single restroom. It is unclear whether an alternative action like placing a dispenser or display of products in a common hallway between restrooms would be within compliance. Retailers have shared estimated costs of at least \$750 per apparatus for the initial purchase, installation, and stocking of product dispensers and would greatly benefit from the option to install one dispenser that is publicly available to all patrons rather than outfitting multiple restrooms, particularly given that public restrooms are not uniform in design and may not have counter or shelf space for displaying items in a basket or container.

Businesses have also highlighted issues around the cost of compliance in conjunction with the potential for abuse and destruction of dispensers or product displays. Retailers have very real concerns about the opportunity for individuals who are not experiencing "period poverty" or a lack of access to menstrual hygiene products to abuse the dispensing system by taking more items than they need and increasing the cost of compliance. A requirement to place menstrual products in male-designated restrooms also carries a higher chance of destruction of dispensers and menstrual hygiene items due to individual patrons' personal discriminations and actions. The risk of facing a Class A violation and associated fines should a business find itself under inspection during a time that a dispenser has been tampered with or emptied without need, on top of the cost of maintenance or replacement of a dispenser, basket, or display shelf and missing products, could become very costly for retailers.

The sponsor of the bill has been clear that he wishes to address period poverty in the community, and it has also been indicated that public availability of menstrual products for all people at any time, regardless of personal access or need, should be addressed by Bill 42-23 as a public health issue. The business community is sensitive to the needs of people who menstruate and understands that emergencies can arise, but it would be most appropriate that any mandates to provide products at no cost apply only to public spaces maintained and funded by the County or municipal governments. As noted above, there is no precedent in the United States for the business community in an entire county or state to provide personal hygiene products to any and all members of the public for free, and fewer than ten cities have passed similar proposals at this time. Passage of Bill 42-23 would result in serious questions about the expectation for private businesses to address and pay for the personal health and hygiene needs of the public. Should the County Council decide to move forward with this proposal, MRA would strongly urge that it be amended to only apply to publicly-owned and maintained spaces.

Thank you for your consideration.

**From:** Ellen Lodwick

**Sent:** Thursday, November 30, 2023 8:52 PM **Subject:** Constituent comment on Bill 42-34

#### Council Bill 42-23: Health and Sanitation//Menstrual Products in Public Restrooms--Required

When will the County Council stop trying to force the County and its taxpayers to take care of everyone? As a woman who dealt with this sort of thing for years, I feel the only possible legitimate purpose of legislation of this type would be for schools. Even then, parents could actually teach their daughters to "be prepared" instead of expecting that, as usual, some government entity was going to take care of their basic needs.

If this legislation passes, I can imagine the amount of money that individuals pilfering restrooms can make when reselling the products that they have stolen. Stories of the issues being faced by drugstores and other businesses throughout the Washington, DC metropolitan area clearly illustrate possible problems down the road. When individuals or County inspectors visit the public restrooms in question, what will occur when it's discovered that no menstrual products are available? Fines and/or citations for the owners, or other measures? The sanitary pads vs.tampon question introduces an additional dimension.

And please, don't go down the "it's expensive" road about sanitary products. People have money for loads of things they view as fun, pleasurable or interesting. It's just that personal hygiene isn't any of those things.

Ellen Lodwick Silver Spring, Maryland

# **MEMORANDUM**

August 18, 2022 **Action Required - NEW** 



Office of the Chief of District Operations MONTGOMERY COUNTY PUBLIC SCHOOLS Rockville, Maryland

TO: All Principals

Dana E. Edwards, Chief of District Operations FROM:

SUBJECT: Installation of Menstrual Product Dispensers

### Summary

In accordance with Maryland Senate Bill 427, which requires each local board of education to ensure that every public school provides menstrual hygiene products in women's restrooms at schools, Montgomery County Public Schools will install menstrual hygiene product dispensers in one women's restroom in all elementary schools, and in two women's restrooms in all secondary schools by October 1, 2022. Additional work will be required following this initial phase as the law also requires. Dispensers are to be installed in all secondary school women's restrooms by August 1, 2025.

- Installation of the empty dispensers will be scheduled and paid for by the Division of Maintenance and Operations (DMO). Schools will only be responsible for providing staff to accompany technicians during installation.
- Building service managers (BSMs) will be responsible for ensuring that menstrual product dispensers are kept clean and stocked with the appropriate products for their school level (pads only for elementary schools; pads and tampons for secondary schools).

#### **Background**

In 2020, the Board of Education resolved to develop a five-year plan to install menstrual product dispensers in all middle and high school bathrooms and to provide menstrual products free of charge. During the May 30, 2021, Maryland General Assembly session, Senate Bill 427 was enacted under Article II, Section 17(c) of the Maryland Constitution, Chapter 706. The bill requires that each Maryland public school provide, at no charge to the students, menstrual hygiene products via dispensers in public school women's restrooms.

#### **Important Dates**

- DMO staff visited school BSMs in early August to determine the optimum placement for the dispensers.
- Beginning August 15, 2022, Cintas Corporation deployed installation technicians to schools. Principals were informed in advance via email regarding their scheduled installation date. BSMs were prepared to accompany the installation technicians for the duration of the installation process, which took approximately 30 minutes per dispenser. Installation in all locations will be completed by September 29, 2022.

#### **Action Required**

BSMs will order menstrual products and replenish Cintas Corporation-installed dispensers (only) via the Hub using their custodial supplies account. Questions regarding the available products should be directed to the Department of Materials Management at 301-279-3346 or via email at DMMwarehouse@mcpsdmd.org.

#### **Links to Additional Information**

Montgomery County Board of Education Resolution, December 3, 2020

#### Question for DPS:

- O Use & Occupancy Permits. Councilmembers asked for further information about occupancy permits vis-à-vis restroom requirements. Does DPS need to know whether restrooms are required, and whether they've been provided, in order to issue a U&O? In general, there was some surprise that it would be difficult to know whether a facility is or isn't required to have a public restroom, so any elaboration you can provide on the County's role and/or the WSSC role in this regard would be helpful.
- Answer from R. Merck: IBC Chapter 11 requires plumbing fixtures be provided in accordance with Chapter 29. DPS delegates Chapter 29 and refers the requirements to WSSC. So, DPS does require plumbing fixtures, but has no requirements on what (if any) fixtures are appropriate or required.

In practice, if a building or facility is not shown to have <u>restroom</u> facilities, we generally require they get a letter or some other documentation from WSSC indicating that restrooms are not required. Most buildings require restrooms, but some smaller facilities (like sheds and guardhouses) or essentially unoccupied buildings (such as warehouses or utility structures) may not require restrooms.

Occupancy permits are not specifically dependent on restrooms being provided – occupancy permits are typically dependent on an approved building permit. There are a few exceptions where occupancy permits are issued without a building permit – single construction trailers, some tents, and the rare facilities that have been operating prior to the mid-1950's when occupancy certificates do not appear to have been issued at all.

#### - Questions for DGS:

Restrooms in County Buildings. Councilmembers asked for information about how
many restrooms in County buildings are public-facing and how many are used mainly by
staff.

#### O DGS Response:

County Buildings Excluding Libraries and Recreation:

	Men's	Women's	Unisex	Family	Total
Number of bathrooms that are accessible to/likely to be used by the public	177	176	102	24	479
Number of bathrooms primarily used by staff	36	36	38	1	111

There are 43 women's, family, and unisex bathrooms in Libraries and 72 women's, family, and unisex bathrooms in Recreation Centers.

	Libraries	Recreation Centers	
Women's	27	50	
Family	2	8	
Unisex	14	14	
Total	43	72	

#### Questions for DHHS:

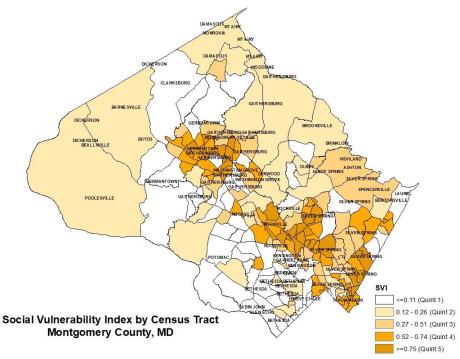
- Recommendations. What are DHHS's recommendations about addressing period poverty in the County?
- o **HHS Response (by Dr. Ashford)**. The provision of menstrual products is a gender equity issue. DHHS recommends that menstrual products be provided in all Montgomery County government buildings. While impoverished and low socioeconomic neighborhoods in the County may disproportionately benefit, all women and individuals who menstruate should have access to these products as a basic human right.
- Geographic Analysis. Could HHS provide a geographic analysis of where the greatest needs for period products exist in the County, as well as currently available resources?
- HHS Response. Though studies on the use of menstrual products and sociodemographics are limited and no specific data are available for Montgomery County, results suggest lower socioeconomic status is associated with lower use of menstrual products.<sup>1,2,3</sup> We used the Social Vulnerability Index as a proxy to identify the

<sup>&</sup>lt;sup>1</sup> Goli, Srinivas, Nowaj Sharif, Samanwita Paul, and Pradeep S. Salve. "Geographical disparity and socio-demographic correlates of menstrual absorbent use in India: A cross-sectional study of girls aged 15–24 years." Children and Youth Services Review, vol. 117, October 2020, article number 105283. https://doi.org/10.1016/j.childyouth.2020.105283.

<sup>&</sup>lt;sup>2</sup> Garg S, Bhatnagar N, Singh MM, Basu S, Borle A, Marimuthu Y, Azmi F, Dabi Y, Bala I. Menstrual hygiene management and its determinants among adolescent girls in low-income urban areas of Delhi, India: a community-based study. Osong Public Health Res Perspect. 2022 Aug;13(4):273-281. doi: 10.24171/j.phrp.2022.0127. Epub 2022 Aug 31. PMID: 36097749 PMCID: PMC9468685.

<sup>&</sup>lt;sup>3</sup> Babbar K, Garikipati S. What socio-demographic factors support disposable vs. sustainable menstrual choices? Evidence from India's National Family Health Survey-5. PLoS One. 2023 Aug 17;18(8):e0290350. doi: 10.1371/journal.pone.0290350. eCollection 2023. PMID: 37590271 PMCID: PMC10434932.

greatest needs for period products in the County. The CDC uses the Social Vulnerability Index and ranks census tracks based on factors such as poverty, lack of transportation, crowded housing, etc. We hypothesize that communities in the 4<sup>th</sup> & 5<sup>th</sup> quintile have the greatest need.



Distribution Options. Would it be feasible to utilize existing Service Consolidation HUBs and/or community school pantries for distribution?

#### HHS Response.

- Service Consolidation Hubs The hubs could serve as a distribution site. Currently, they provide minimal menstrual products due to their cost.
- *Community School Pantries* In the past, some Community Schools distributed menstrual products. They were provided by the state and local non-profits.
- School-Based Health and Wellness Centers Menstrual products are currently provided in these locations.
- Mobile Health Clinics Mobile Health Clinics could be used to bring menstrual products to underserved and vulnerable communities who otherwise may not have access to the hubs or pantries.
- Free Period Products. Are there any public/private places where menstrual products are currently provided for free?
- HHS Response. Menstrual products are currently provided for free in all MCPS health rooms.
   This includes the School-Based Health and Wellness Center. DHHS does not maintain a record of public/private organizations where menstrual products are provided for free.

<u>I Support the Girls</u> is a global Non-Governmental Organization founded and headquartered in Rockville Maryland. While they have a global focus, they actively donate menstrual products to organizations within Montgomery County. Their organization donated 516,225 menstrual products to Montgomery County organizations and residents in 2023. They have donated over 1.6 million products to county residents between 2015-2023.

#### - Question for OMB:

- Number of Women on County Staff. How many women are on County staff?
- OMB Response. Grace Pedersen has shared the following:
  - The most recent <u>Personnel Management Review</u> (PMR) indicates that as of December 31, 2022, there were:
    - 3,823 female merit system permanent employees;
    - 204 female MLS managers;
    - 1,050 female seasonal employees; and
    - 175 female temporary employees.
  - Note these figures exclude: elected and appointed officials; paid members of boards, committees, and commissions; and judicial branch employees.

#### Questions for Office of Grants Management:

- Non-profits. Can you share information about non-profits in the County that currently provide period products to those in need?
- OGM Response. Outside of the grant awards to nonprofits that OGM facilitates, OGM does not have broad knowledge of which nonprofits may or may not provide these services. HHS would have a better understanding of nonprofits working in this sector who they engage with directly on a regular basis.
- Current grants. Does the County currently provide grants to address period poverty? If so, could you summarize those grants?
- OGM Response. The short answer is no. Just prior to receiving these questions CM Glass' office reached out with similar questions and did an analysis. No programs funded as grants focused on period products and we could not find any line-items in approved budget focused on period products. At best, we found line-items focused on female health supplies in the Abortion Access grant program but it was not possible to get a clear number of what that would be. Saying that no grant funded program currently focuses on period poverty or address it as a major part of their funded efforts is accurate.

#### Questions for Council Staff (C Wellons):

o **Ann Arbor, MI**. What has been the experience in Ann Arbor, MI?

# FOLLOW-UP INFORMATION REQUESTED BY THE HHS/ECON COMMITTEES AT THE 2/29/24 WORKSESSION REGARDING BILL 42-23

May 15, 2024

o **Response.** In November 2021, the City of Ann Arbor enacted an ordinance (ORD-21-32) to require all "Public Restrooms" within the city (except those in certain religious institutions) to contain "Sanitation Products" at no cost to users. Public restrooms are defined as "a public toilet facility that is required by the Michigan Plumbing Code or other applicable law to be made available to customers, patrons, visitors, employees, licensees, invitees, students, or other members of the public." Sanitation Products are defined as "soap, toilet paper, menstrual pads, and tampons." A failure to provide the required products is a civil infraction punishable by a fine of up to \$100.

According to local news reports, implementation of the law has been successful. Enforcement is complaint driven. In 2022, 23 complaints were received by the City. In 2023, only six complaints were received. Enforcement officers have educated businesses as opposed to issuing civil fines. How is Ann Arbor's first-of-its-kind tampon law working out? So far, so good - mlive.com

According to the U.S. Census, the population of Montgomery County is approximately 1.1 million, and the population of Ann Arbor is approximately 120,000. Approximately 23% of Ann Arbor residents live in poverty, and approximately 8% of County residents live in poverty. The number of employer firms in Ann Arundel is approximately 3,100, and the number of firms in Montgomery County is approximately 22,000. U.S. Census Bureau QuickFacts: United States

- o **District of Columbia**. What's the approach in the District of Columbia?
- Response. The District of Columbia's "Period Equity Righting an Injustice of District Residents (PERIOD) Act of 2022" became effective in February 2023. D.C. Law 24-250.

  Period Equity Righting an Injustice of District Residents (PERIOD) Act of 2022. D.C. Law Library (dccouncil.gov)

The PERIOD Act generally provides: "Entities responsible for managing or maintaining a public bathroom shall install at least one dispenser or similar container for period products in all women's and gender-neutral bathrooms." "Public bathroom" is defined as "a toilet facility on property owned or operated by the District, including a District-owned property leased by a private entity, and on property owned or operated by entities that have been awarded human care agreements with the District."

The Fiscal Impact Statement regarding the PERIOD Act stated: "Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The bill will cost \$2.3 million is fiscal year 2023 and a total of \$7.1 million over the four-year financial plan." The FIS estimated that the D.C. Department of General Services "will need to install and keep stocked about 1,327 dispensers in District-government-owned buildings."

New Jersey. What is New Jersey's law re: bulk purchases?

- O Response. A bill is pending in the New Jersey General Assembly that would require "the Director of the Division of Purchase and Property (director) in the Department of the Treasury to review all State purchasing arrangements, contracts, and initiatives, and consider options to maximize the State's bargaining power with regard to menstrual products, which may include recommending appropriate statutory, administrative, or executive actions as may be necessary to reduce the cost of purchasing menstrual products to State programs and entities. The bill further provides that the director will, at the request of a State department, division, office, or agency, advertise for and award a contract for the purchase of menstrual products. This contract will be available for use by all executive branch entities and cooperative purchasing participants. The bill additionally permits, at the director's discretion, a non-profit entity to purchase menstrual products under any contract awarded for the purchase of menstrual products on behalf of the State by the director, subject to any rules established by the director."

  NJ Legislature (state.nj.us). As of May 13, 2024, the bill was "Reported and Referred to Assembly Appropriations Committee".
- Montgomery County Public Schools. Can we get more information from MCPS about the implementation of the state law re period supplies? What are the lessons learned thus far?
- MCPS did not respond beyond the information contained in the Council staff packet for the worksession, <u>Bill template (granicus.com)</u>. Grace Pederson of OMB provided the following fiscal information.

Building Type	# of buildings	Number of bathrooms that will need to implement the requirement per school	Est. cost of providing free menstrual products each month	Number of months in the school year	Annual cost
ES	137				
Extensions	7				
HS	26	10	\$120	10	\$312,000
MS	40	5	\$120	10	\$240,000
SPECIAL	6				
				Total	\$552,000

# Council Bill 42-23, Health and Sanitation – Menstrual Products in Public Restrooms – Required

# Amendments by Councilmember Jawando

#### **Amendment #1**

Amend the title of Council Bill 42-23 to read as follows.

Bill No. 42-23

Concerning: [[Health and Sanitation -]]

Menstrual Products in [[Public]]

County Restrooms - Required

\* \* \*

#### AN ACT to:

- (1) require [[places of public accommodation]] <u>the County</u> to provide menstrual products in certain public restrooms at no charge to users; and
- (2) generally amend the law regarding <u>County buildings and</u> the provision of necessary health and sanitary products.

#### By adding

Montgomery County Code [[Chapter 24, Health and Sanitation Section 24-8E]]

<u>Chapter 8, Buildings</u>

<u>Section 8-14E</u>

\* \* \*

## Amendment #2

Delete lines 1-27.

# **Amendment #3**

After line 27, add the following.

# Sec. 1. Section 8-14E is added as follows:

# <u>8-14E. Provision of menstrual products in County restrooms – Required.</u>

- (a) <u>Title.</u> This Section is known as the "Menstrual Products Access and Equity Act".
- (b) <u>Definitions</u>. In this Section, the following terms have the meanings indicated.
  - (1) <u>Department means the Department of General Services.</u>
  - (2) <u>Menstrual products mean tampons or sanitary napkins.</u>
  - (3) *County restroom* means a room that:
    - (A) contains one or more toilets and sinks;
    - (B) is available for public use:
      - (i) by women or families; or
      - (ii) on a gender-neutral basis; and
    - (C) is located within property, managed or maintained by the Department under Section 2-30, that is used as:
      - (i) a library;
      - (ii) a regional services center;
      - (iii) a recreation center; or
      - (iv) a location where the Department of Health and

        Human Services provides services directly to the

        public, unless the Department of Health and Human

        Services determines that security or privacy

        considerations at the location prevent compliance

        with the requirements of Subsection (c).

<u>County restroom</u> does not include a restroom that the Department identifies as intended for, and primarily used by, County employees or contractors.

(c) <u>Menstrual products in County restrooms – required</u>. The Department must provide, within each County restroom, menstrual products that are accessible and free to users.

Sec. 2. Effective date. This Act must take effect 6 months after it becomes law.

Bill 42-23 – Health and Sanitation – Menstrual Products in Public Restrooms (Option #2) – Spring 2025

Items	Est Cost	Est # of	# of Public	ESTIMATED	ESTIMATED COST
		Needed	Restrooms	COST	(Year 2 & Beyond)
		item in a	LIB, REC,	(Year 1)	
		year	HHS, RSC		
Tampon and Sanitary Napkin free vending dispenser at public restrooms					
(Amazon price \$289.95)	289.95	1	150	43,493	
Sanitary Napkin and Tampon Vending					
Machine Refill Set, 50 tampons and 24					
sanitary napkins (Amazon \$54.95)	54.95	26	150	214,305	214,305
	EST. TOT	AL ANNU	JAL COST	257,798	214,305

Breakout of 150 Public-Facing Restrooms					
	Libraries	REC Centers	HHS	Regional Services Centers	
Women's	27	50	28	5	
Family	2	8			
Unisex	14	14	2		
Total	43	72	30	5	

Items	Est Cost	Item Quantity Per Year	DGS explanation: why item is no longer needed from original estimate, reducing cost to \$257,798
Sanitary Napkin Receptacle (Amazon price \$34.50)	34.50	1	Already installed in the restroom
Sanitary Napkin Receptacle Liner Bags- set of 6 rolls (Amazon price \$58.95)	58.95	12	Already part of restroom service provided
Sanitary Napkin Disposal Bags, 100 count (Amazon price \$9.99)	9.99	12	Already part of restroom service provided

## **NOTES:**

- 1. Option #1 included employees, whereas Option #2 (above) focuses on public availability
- 2. Assumes installation by DGS/DFM County Staff, saving vendor install costs
- 3. Assumes amendment to DFM custodial contract for stocking & re-supply on bi-weekly basis (26 times per year)
- 4. Assumes high quality products be supplied and re-stocked
- 5. A La Carte: Each additional restroom is approximately \$1,718 to add and \$1,428 to keep year after year