



COUNCIL AGENDA: 05/4/2021

ITEM: 2.12

FILE NO: 21-1059

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: May 4, 2021

SUBJECT: AB 367 (Garcia): Menstrual Products

Recommendation


As recommended by the Rules and Open Government Committee on April 28, 2021, adopt a position of support for AB 367 (C. Garcia) on supplying no-cost menstrual products.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (City Manager)

[Rules Committee referral 4/28/2021 - Item G.2]



CITY COUNCIL ACTION REQUEST

Department(s): City Manager's Office	Date: 04/21/21	Coordination: Public Works, PRNS, City Attorney's Office	Dept. Approval: /s/ Lee Wilcox
			CMO Approval:  04/23/21

SUBJECT: AB 367 (Garcia): Menstrual Products

RECOMMENDED POSITION: Support

RECOMMENDED ACTION:

1. Adopt a position of support for AB 367 (C. Garcia) on supplying no-cost menstrual products.
2. Recommend this item be agendized for the May 4, 2021 City Council Meeting so that the City's Legislative Representative can advocate the City's support for AB 367.

BILL SYNOPSIS:

A recent Assembly Education Committee Analysis noted that as of February 2020 more than a dozen state legislatures introduced bills that would require public schools to supply free tampons and other menstrual products in their restrooms, and California, Illinois, New Hampshire and New York have already enacted similar legislation.

New York City adopted legislation in July 2016 requiring the Department of Education to make free feminine hygiene products available to students in the restrooms of school buildings, in which there are female students in grades 6 to 12. The intent of the legislation was to ensure that students have the support they need to focus on learning and feel comfortable in the classroom. Passage of the New York City legislation followed a successful pilot program during the 2015-2016 school year, in which the City placed 380 dispensers in 25 middle and high schools. The City reported a 2.4% increase in school attendance during the pilot program year.

In 2017, AB 367 (C. Garcia) was signed into law in California and requires a public school serving grades 6 to 12 that meets the 40% pupil poverty threshold required to operate a schoolwide Title 1 program to stock at least 50% of the school's restrooms with menstrual products at all times.

AB 367, also known as the Menstrual Equity Act of 2021, requires:

1. All public schools serving students in grades 6 to 12 to stock at least 50% of the school's restrooms with free menstrual products at all times.
2. California State Universities and each community college district to stock 50% of all campus restrooms with free menstrual products at all times.
3. Public agencies that maintain restroom facilities for the public and for employees to stock 50% of all restrooms open to the public or used by employees with free menstrual products at all times.
4. The state reimburses local agencies and school districts for certain costs mandated by the state.

The bill also encourages the Regents of the University of California and private institutions of higher learning to stock at least 50% of restrooms with menstrual products at all times.

IMPACTS TO CITY OF SAN JOSE:

Since 2017, the City of San José has provided menstrual products free of charge in employee-only City Hall restrooms at a cost of roughly \$700-\$1,000 annually. The Public Works Department estimates that it would cost \$4,000 annually to provide menstrual products in employee-only restrooms at all Citywide sites. Further expansion of the program to include publicly accessible restrooms (women only and gender neutral) at Citywide sites, including park restrooms, the Regional Wastewater Facility, and the Airport, would cost roughly \$10,000 annually.

In the past, restroom infrastructure at certain park locations has been stolen or vandalized. Public Works notes that installing menstrual product dispensers in public restrooms could present similar challenges. One option suggested by the Public Works Department is to offer products in open boxes, rather than installing new dispensers. It is anticipated that those locations would have to be re-stocked more frequently.

POLICY ALIGNMENT:

There currently are no positions in the City's Legislative Program that align with AB 367.

SUPPORTERS/OPPONENTS:**Supporters:**

Alliance for Girls (Co-Sponsor)
California Latinas for Reproductive Justice (Co-Sponsor)
Free the Period (Co-Sponsor)
PERIOD. The Menstrual Movement (Co-Sponsor)
Advocates for Youth
American Civil Liberties Union of Northern California
American Civil Liberties Union of Southern California
American Civil Liberties Union of San Diego and Imperial Counties
California Association of Student Councils
California Faculty Association
California School Boards Association
California School Nurses Organization
California State Student Association
Equal Period
Femtruth Youth
Ignite
Naral Pro-choice California
The Unity Council
UC Coalition for Reproductive Justice
Urge: Unite for Reproductive and Gender Equity

Opposition:

None on file.

STATUS OF BILL:

AB 367 is scheduled to be heard in the Assembly Higher Education Committee on April 22, 2021.

FOR QUESTIONS CONTACT: Alexandria Felton, (408) 535-8116, alexandria.felton@sanjoseca.gov