

MEMORANDUM

TO: Congressman Lieu

RE: Youth Advisory Council Policy Proposal 2021-2022

Date: February 4, 2021

Overview: This memo serves as a policy proposal to address individuals with limited access to menstrual products by increasing the availability of menstrual products on a no-cost basis and with the exemption of taxation.

Background:

- **Research on period poverty in the United States**

- “Period poverty” has been defined by the University of Michigan School of Public Health as follows:

“Period poverty refers to the prevalent phenomena of being unable to afford products such as pads, tampons, or liners to manage menstrual bleeding. In lieu of sanitary products, many people are forced to use items like rags, paper towels, toilet paper, or cardboard. Others ration sanitary products by using them for extended amounts of time. Period poverty encompasses not only this lack of access to products, but also inadequate access to toilets, hand washing receptacles, and hygienic waste management.”¹

- Many Americans suffer from period poverty. A study of over 1,000 menstruating teenagers claimed that about one in five American teens² lack regular access to menstrual products, which can come at the expense of educational opportunities. Additionally, more than 4 in 5 menstruating teens have missed class time or know someone who has missed class because they did not have access to period products.³ Government benefits, including the Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), do not cover the cost of these necessary supplies.⁷ Incarcerated people who menstruate are increasingly subjected to period inequality, as they may have to beg, bargain with staff members, or sacrifice necessities for basic hygiene needs.⁴ There has been growing controversy surrounding the 30 states in which menstrual products are not exempt from sales taxes because they are deemed “luxury goods”.⁵ People who menstruate are expected to spend, on average, over \$1,700 over the course of their lifetime on menstrual products.⁶
- There is limited research on the impacts of period poverty in the US, as it is hard to quantify a number gauging peoples’ personal experiences, yet lack of menstrual products can instigate a lack of focus/participation in classroom settings and cause disease, infection, and emotional distress. Period poverty has taken a toll on the mental health of many with more than 2/3 of women who report period poverty every month reporting moderate or severe depression.⁸ It is important to address the availability of menstrual products due to, among other things, the stigma surrounding the concept of a period, which has been perpetuated into societal avoidance of the topic for centuries. Access to menstrual products should be viewed as a basic human right and necessity and is vital for ensuring the safety, pride, and participation of all United States citizens who menstruate.

- **State of the Issue**

- o There has been a drastic increase in policies that have been enacted to address period poverty in the United States on a state level. Within the past year, bills related to period equity have been introduced in 37 states.⁹ In terms of progression on a state level, there are 30 states⁵ that still tax menstrual products as a “luxury” item. In the U.S. education system, five states¹⁰, including California¹¹ have signed bills requiring public schools serving students in grades 6 to 12, community colleges, and state universities to stock restrooms with a sufficient amount of free menstrual products. Federally, in 2017, the First Step Act was passed, ensuring that female inmates in federal prisons have access to a range of feminine hygiene products related to menstruation on a no-cost basis.¹²

Proposed Policy Solutions:

In order to mitigate the problem addressed above, the appropriate sections of the United States Code or other federal laws shall be amended to include the following language:

Policy 1: All public schools within the United States of America serving students from grades 6 to 12, community colleges, and state universities shall prove the school's female-identifying or gender-neutral restrooms with an adequate supply of menstrual products on a no-cost basis as a condition to the receipt of all federal education funding from the United States of America. For this purpose, the following definitions shall apply: (a) “menstrual products” shall mean menstrual pads and tampons for use in connection with the menstrual cycle, and (b) “adequate” shall mean satisfactory in quantity based on reasonably anticipated needs.

Policy 2: The United States of America may withhold funding from any block grant program otherwise available to any State or municipality located in the United States of America or any of its possessions or territories which imposes any form of sales tax, value-added tax, or consumption tax on the purchase or use of menstrual products (collectively, the “Period Tax”) in an amount equal to the average Period Tax collections by such State or municipality over the prior three fiscal years.

For this purpose, “menstrual products” shall mean menstrual pads and tampons for use in connection with the menstrual cycle.

• Summary of Policy Proposal 1

- o Feminine hygiene products are a health care necessity and cannot be foregone or substituted easily. A study conducted by Always concluded that amid the COVID-19 pandemic, 1 of 3 parents was worried about their ongoing ability to afford period products¹³ and about 1 in 5 girls have missed school due to lack of menstrual products¹⁸ It has been vastly recognized that when students do not have access to affordable feminine hygiene products, they may miss multiple days of school on a monthly basis.¹⁴ Missing just days of school monthly increases academic performance gaps tremendously, exacerbated by race, poverty status, gender, IEP status, and ELL status.¹⁵ Absenteeism¹⁶ and/or period poverty is correlated with severe depression⁸, social disengagement, falling behind, and dropping out of school.¹⁷ After New York passed a law providing free menstrual products to students, schools experienced a 2.4% increase in attendance.¹¹ Additionally, Students who cannot afford menstrual products often turn to the utilization of alternatives such as napkins, toilet paper, rags, paper towels, and reused pads put menstruators, which heightens the risk for urogenital infections, such as urinary tract infections and bacterial vaginosis.¹⁸ When students have ready access to quality feminine

hygiene products, they are able to continue their daily lives without this disruption. The promotion of gender equity for women, girls, transgender men, nonbinary, and gender-nonconforming people who may also menstruate and experience inequities will help combat the systemic sexism within the United States government. For these reasons, it is crucial that all United States public schools serving students from grades 6 to 12, community colleges, and state universities stock schools' restrooms with an adequate supply of menstrual products on a no-cost basis.

- **Summary of Policy Proposal 2**

o The average person who menstruates spends about \$1,773⁵ on period products throughout their lifetime. Between \$100 and \$225⁵ of that \$1,773 could be avoided by all menstruators if state governments recognized sanitary pads and tampons as necessities rather than classifying them as luxury goods. Coined as the “pink tax” or the “tampon tax,” any form of sales tax, value-added tax, or consumption tax on the purchase or use of menstrual products disproportionately burdens the finances of all menstruators and perpetuates the systemic sexism within the United States government. Menstruating occurs among half of human existence. Menstrual products are not luxuries, but necessities, and should be addressed as such. States within the United States annually generate \$150 million¹⁹ cumulatively on revenues from the taxation of menstrual products. Among those who are being taxed, 46%²⁰ have struggled with affording both food and female hygiene products. The study, conducted in [ST.}] Louis, Missouri, demonstrated that 64%²⁰ of women surveyed reported having experienced difficulty affording menstrual products at some point, and 21%²⁰ of women reported the inability to afford menstrual products monthly. Period poverty has, therefore, been lived and experienced by about ¼ of the United States population, yet the taxation of menstrual products is still instituted in 30 of the 50 states.⁵ As referenced above, period poverty can have detrimental effects on an individual, heightening the risk of urogenital infection¹⁹, one's ability to access adequate amounts of food, water, and housing⁸, and exacerbating mental health effects such as severe depression.⁸ The first step in combating the stigma surrounding the menstrual cycle and the vast lengths at which period poverty fosters economic inequality is via combatting the imposition of any form of sales tax, value-added tax, or consumption tax on the purchase or use of menstrual products. o **What is the estimated cost of this proposal?**

- **Policy 1**

Nationally, as of 2012, public universities had a male-female student ratio of 43.6:56.4²¹. There were an estimated 50.7 million²² students enrolled in K-12 public schooling in 2018, 7.7 million community college students in 2019²³, and 14.5 million students from a public college in 2019.²⁴ This totals 72.9 million people, 57% of whom likely menstruated. **Note*** I was unable to find statistics regarding transgender males, nonbinary, and gender-nonconforming people who may also menstruate in schools. Additionally, some may never receive their period, and there was not enough information regarding that statistic as well. I have rounded the 56.4% of females enrolled in school to 57% (to include those who do not identify as female).** 57% of 72.9 million means that approximately 41.553 million students menstruate every year. The average menstruating person spends \$9 per month²⁵ on period products. Assuming that the United States provides each student with an adequate amount of products, \$9 (average cost of menstrual products per month) multiplied by 12 (months) multiplied by 41.553million (approximate

number of people who menstruate) is \$4.49 billion. Hence, this proposal shall cost the United States nothing federally, yet will cost all States within the United States of America approximately \$4.49 billion per year.

▪ **Policy 2**

As referenced above, it is estimated that states within the United States annually generated about \$150 million¹⁹ cumulatively on revenues from the taxation of menstrual products in 2019. At this time, 16 states had implemented legislation prohibiting the tax on menstrual products. Nonetheless, the 34 states that had not yet implemented legislation profited from taxing menstruators. This policy will not cost the United States anything federally, however, it will cost the states \$150 million per year.

o Who do you think will support this proposal?

- o The introduction of the Menstrual Equity for All Act was presented by Representative Grace Meng in 2021.²⁶ The legislation attempted to redefine the way that the United States should federally address the menstrual cycle. Being bold and expensive, the bill was introduced into the house, yet it never passed. Meng's legislation consisted of seven components. Congresswoman Meng defines these components as:
 - o "Giving states the option to use federal grant funds to provide **students** with free menstrual products in schools – these grants already provide funding for health and wellness efforts
 - o Incentivizing colleges and universities to implement pilot programs that provide free menstrual products to students
 - o Ensuring that incarcerated individuals and detainees in federal (including immigration detention centers), state, and local facilities have access to free menstrual products, including requiring guidance on distribution
 - o Allowing homeless assistance providers to use grant funds that cover shelter necessities (such as blankets and toothbrushes) to also use that money to purchase menstrual products
 - o Requiring Medicaid to cover the cost of menstrual products
 - o Directing large employers (with 100 or more employees) to provide free menstrual products for their employees in the workplace
 - o Requiring all public federal buildings, including buildings in the U.S. Capitol complex, to provide free menstrual products in restrooms."
- o Though the legislation did not pass, it had overwhelming support with 95 cosponsors, including Congressman Lieu. I would assume that the policies I have drafted would gather similar support. To see which members of Congress supported the bill, see citations.

o Who do you think will oppose this proposal? Identify the top three arguments in opposition to the proposal.

- o 1.) Interference with states' rights. Defined by Cornell University, federalism as the process in which the:
 - "national government is responsible for broader governance of larger territorial areas, while the smaller subdivisions, states, and cities govern the issues of local concern."²⁷ The idea that federal funding will/can be withdrawn if a state refuses to comply with certain legislation may seem assertive over the state's powers.
- o The bill is too broad, in that not all Americans encounter period poverty and need the

subsidizing of their menstrual products. Hence, the money could be redistributed elsewhere.

- o Exempting menstrual products from being taxed reduces public revenue collection. ●

Decide which policy you believe is superior and indicate such so that you all can discuss them before introducing your ideas to the Congressman.

- o I believe that both policies are crucial to redefining the way that the United States federally addresses menstruation. The first will have a greater impact, as it monumentally impacts a greater percentage of Americans. Nonetheless, the second policy is much more attainable and has a much easier chance of passage, as it would, cumulatively, cost states who have not yet established legislation eliminating the tax on menstrual products around \$150 million annually rather than the first policy, which could cost the states over \$4.4 billion annually.

“For these reasons, I would recommend policy two over policy one to address individuals with limited access to menstrual products .”

Citations

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