

SENATE BILL 2728

By Akbari

AN ACT to amend Tennessee Code Annotated, Title 5;  
Title 6; Title 7; Title 49 and Title 67, relative to the  
Menstrual Hygiene Products Accessibility Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as the "Menstrual Hygiene Products Accessibility Act."

SECTION 2. Tennessee Code Annotated, Section 49-6-417, is amended by deleting the section and substituting instead the following:

(a) As used in this section:

(1) "Eligible school" means a public school, including a public charter school, that is a senior high school, as defined in § 49-6-401; and

(2) "Feminine hygiene product":

(A) Means a product or material designed for feminine hygiene in connection with menstruation or other genital-tract secretions; and

(B) Includes tampons, panty liners, menstrual cups, sanitary napkins, and other similar personal products or materials.

(b) Each LEA and public charter school shall provide feminine hygiene products, at no charge, in all women's and girls' bathrooms, locker rooms, and with the school nurse in each eligible school building where instruction is provided, excluding bathrooms and locker rooms that are specifically designated for teacher or staff use. The feminine hygiene products provided pursuant to this section are for student use only.

(c) The department of education may develop policies and provide guidance to LEAs and public charter schools to assist local boards of education and public charter school governing bodies in complying with the requirements of this section.

SECTION 3. Tennessee Code Annotated, Title 67, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "feminine hygiene product":

(1) Means a product or material designed for feminine hygiene in connection with menstruation or other genital-tract secretions; and

(2) Includes tampons, panty liners, menstrual cups, sanitary napkins, and other similar personal products or materials.

(b)

(1) There is created a special account in the state treasury to be known as the menstrual hygiene products accessibility account. The department of education shall administer the menstrual hygiene products accessibility account.

(2) Notwithstanding another law to the contrary, the commissioner of finance and administration shall deposit twenty percent (20%) of the state sales tax collected on feminine hygiene products into the menstrual hygiene products accessibility account.

(3) The department of education may only expend any moneys deposited into the menstrual hygiene products accessibility account to purchase feminine hygiene products for eligible schools to assist LEAs and public charter schools in complying with the requirements of § 49-6-417.

(4) Moneys in the menstrual hygiene products accessibility account may be invested by the state treasurer in accordance with § 9-4-603.

(5) Notwithstanding another law to the contrary, interest accruing on investments and deposits of the menstrual hygiene products accessibility account must be credited to the account, must not revert to the general fund, and must be carried forward into the subsequent fiscal year.

(6) Any balance remaining unexpended at the end of a fiscal year in the menstrual hygiene products accessibility account must not revert to the general fund but must be carried forward into the subsequent fiscal year.

SECTION 4. This act takes effect July 1, 2024, the public welfare requiring it.