

117TH CONGRESS
1ST SESSION

H. R. 3614

To increase the availability and affordability of menstrual products for individuals with limited access, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2021

Ms. MENG (for herself, Mr. AUCHINCLOSS, Ms. BARRAGÁN, Ms. BASS, Mrs. BEATTY, Mr. BOWMAN, Ms. BROWNLEY, Ms. BUSH, Mr. CÁRDENAS, Mr. CARSON, Ms. CASTOR of Florida, Ms. CHU, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. COHEN, Mr. CONNOLLY, Mr. COURTNEY, Mr. DANNY K. DAVIS of Illinois, Ms. DEAN, Ms. DEGETTE, Ms. DELBENE, Ms. ESCOBAR, Ms. LOIS FRANKEL of Florida, Mr. GALLEGO, Ms. GARCIA of Texas, Mr. GARCÍA of Illinois, Mr. GREEN of Texas, Mr. GRIJALVA, Mrs. HAYES, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. KEATING, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KILMER, Ms. KUSTER, Mr. LARSEN of Washington, Mrs. LAWRENCE, Ms. LEE of California, Mr. LEVIN of California, Mr. LIEU, Mr. LOWENTHAL, Mr. SEAN PATRICK MALONEY of New York, Mrs. CAROLYN B. MALONEY of New York, Ms. MATSUI, Mr. MCGOVERN, Mr. MEEKS, Ms. MOORE of Wisconsin, Mr. MORELLE, Mr. NADLER, Mrs. NAPOLITANO, Ms. NEWMAN, Ms. NORTON, Mr. PAPPAS, Mr. PAYNE, Ms. PINGREE, Mr. POCAN, Ms. PRESSLEY, Mr. RASKIN, Miss RICE of New York, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN, Ms. SCHAKOWSKY, Ms. SCHRIER, Ms. SEWELL, Mr. SIRES, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Ms. STRICKLAND, Mr. SUOZZI, Mr. TAKANO, Mr. THOMPSON of Mississippi, Ms. TITUS, Ms. TLAIB, Mr. TORRES of New York, Mr. TRONE, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Ms. WILLIAMS of Georgia, Ms. WILSON of Florida, Ms. VELÁZQUEZ, and Ms. CLARKE of New York) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on the Judiciary, Financial Services, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To increase the availability and affordability of menstrual products for individuals with limited access, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Menstrual Equity For
5 All Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Menstrual products are a necessity each
9 month for millions of individuals across the United
10 States.

11 (2) More than half of the United States popu-
12 lation will likely menstruate every month for decades
13 of their lives.

14 (3) This lack of menstrual products, often
15 called “period poverty”, can adversely affect an indi-
16 vidual’s health and well-being.

17 (4) Period poverty exacerbates the vicious cycle
18 of poverty by further marginalizing individuals who
19 menstruate, causing them to withdraw from daily
20 life, forego pay, or miss educational opportunities.

1 (5) Period poverty existed long before the
2 COVID–19 pandemic.

3 (6) The COVID–19 pandemic has forced mil-
4 lions of individuals out of work, thereby exacerbating
5 the socioeconomic and health challenges of individ-
6 uals facing period poverty.

7 (7) Addressing period poverty is essential to en-
8 suring educational equity for diverse populations.

9 (8) Studies have shown that 1 in 4 women and
10 girls reports struggling to afford menstrual prod-
11 ucts.

12 (9) Studies have shown that 1 in 10 college stu-
13 dents in the United States are affected by period
14 poverty.

15 (10) Period poverty disproportionately affects
16 Black, Latina, immigrant, and first-generation stu-
17 dents at higher rates than other cohorts.

18 (11) Individuals living in period poverty are
19 more likely to experience depression than individuals
20 with access to period products.

21 (12) Period poverty can increase the risk of in-
22 fections due to—

23 (A) the use of substitutes for menstrual
24 products (such as paper towels or toilet paper);
25 and

1 (B) the inability to change menstrual prod-
2 ucts as frequently as recommended.

3 **SEC. 3. MENSTRUAL PRODUCTS FOR STUDENTS AT ELE-**
4 **MENTARY AND SECONDARY SCHOOLS.**

5 (a) IN GENERAL.—Section 4108(5)(C) of the Ele-
6 mentary and Secondary Education Act of 1965 (20 U.S.C.
7 7118(5)(C)) is amended—

8 (1) in clause (vi), by striking “or” after the
9 semicolon;

10 (2) in clause (vii), by inserting “or” after the
11 semicolon; and

12 (3) by adding at the end the following:

13 “(viii) provide free menstrual products
14 to students who use menstrual products;”.

15 (b) DEFINITIONS.—Section 4102 of the Elementary
16 and Secondary Education Act of 1965 (20 U.S.C. 7112)
17 is amended—

18 (1) by redesignating paragraphs (6) through
19 (8) as paragraphs (7) through (9), respectively; and

20 (2) by inserting after paragraph (5) the fol-
21 lowing:

22 “(6) MENSTRUAL PRODUCTS.—The term ‘men-
23 strual products’ means sanitary napkins and tam-
24 pons that conform to applicable industry stand-
25 ards.”.

1 (c) RULEMAKING.—Not later than 1 year after the
2 date of enactment of this Act, the Secretary of Education,
3 in consultation with the Secretary of Health and Human
4 Services, shall promulgate rules with respect to the defini-
5 tion of “menstrual products” in paragraph (6) of section
6 4102 of the Elementary and Secondary Education Act of
7 1965 (20 U.S.C. 7112), as amended by section 3(b).

8 **SEC. 4. MENSTRUAL PRODUCTS FOR STUDENTS AT INSTI-**
9 **TUTIONS OF HIGHER EDUCATION.**

10 (a) PURPOSE.—The purpose of this section is to al-
11 leviate—

12 (1) the barriers to academic success faced by
13 many college and graduate students due to the in-
14 ability of such students to afford to purchase men-
15 strual products; and

16 (2) the unique set of burdens that college and
17 graduate students experiencing period poverty face
18 that can be compounded by lack of access to basic
19 needs such as housing, food, transportation, and ac-
20 cess to physical and mental health services.

21 (b) IN GENERAL.—The Secretary of Education shall
22 establish a program to award grants, on a competitive
23 basis, to at least 4 institutions of higher education (as
24 such term is defined in section 101 of the Higher Edu-
25 cation Act of 1965 (20 U.S.C. 1001)), to—

1 (1) support programs that provide free men-
2 strual products to students; and

3 (2) report on best practices of such programs.

4 (c) APPLICATION.—To apply for a grant under this
5 section, an institution of higher education shall submit to
6 the Secretary an application in such form, at such time,
7 and containing such information as the Secretary deter-
8 mines appropriate, including an assurance that such grant
9 will be used to carry out the activities described in sub-
10 section (e).

11 (d) COMMUNITY COLLEGES.—At least 50 percent of
12 the grants awarded under this section shall be awarded
13 to community colleges.

14 (e) GRANT USES.—A grant awarded under this sec-
15 tion may only be used to—

16 (1) carry out or expand activities that fund pro-
17 grams that support direct provision of free men-
18 strual products to students in appropriate campus
19 locations, including—

20 (A) campus restroom facilities;

21 (B) wellness centers; and

22 (C) on-campus residential buildings;

23 (2) report on best practices of such programs;

1 (3) conduct outreach to students to encourage
2 participation in menstrual equity programs and serv-
3 ices;

4 (4) help eligible students apply for and enroll in
5 local, State, and Federal public assistance programs;
6 and

7 (5) coordinate and collaborate with government
8 or community-based organizations to carry out the
9 activities described in paragraphs (1) through (4).

10 (f) PRIORITY.—In awarding grants under this sec-
11 tion, the Secretary shall prioritize—

12 (1) institutions with Federal Pell Grant enroll-
13 ment that is at least 25 percent of the total enroll-
14 ment of such institution; and

15 (2) historically Black colleges and universities,
16 Hispanic-serving institutions, Asian American and
17 Native American Pacific Islander-serving institu-
18 tions, and other minority serving institutions.

19 (g) MENSTRUAL PRODUCT DEFINED.—In this sec-
20 tion, the term “menstrual product” means a sanitary nap-
21 kin or tampon that conforms to industry standards.

22 (h) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated \$5,000,000 out of funds
24 appropriated for a fiscal year to the Fund for the Improve-
25 ment of Postsecondary Education under section 741 of the

1 Higher Education Act of 1965 (20 U.S.C. 1138) to carry
2 out the grant program under this section.

3 **SEC. 5. MENSTRUAL PRODUCTS FOR INCARCERATED INDI-**
4 **VIDUALS AND DETAINEES.**

5 (a) REQUIREMENT FOR STATES.—Beginning on the
6 date that is 180 days after the date of the enactment of
7 this Act, and annually thereafter, the chief executive offi-
8 cer of each State that receives a grant under subpart 1
9 of part E of title I of the Omnibus Crime Control and
10 Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (com-
11 monly referred to as the “Edward Byrne Memorial Justice
12 Assistance Grant Program”) shall submit to the Attorney
13 General a certification, in such form and containing such
14 information as the Attorney General may require, that all
15 incarcerated individuals and detainees in that State have
16 access to menstrual products on demand and at no cost
17 to the incarcerated individuals and detainees, and that no
18 visitor is prohibited from visiting an incarcerated indi-
19 vidual due to the visitor’s use of menstrual products.

20 (b) REDUCTION IN GRANT FUNDING.—In the case
21 of a State whose chief executive officer fails to submit a
22 certification required under subsection (a) in a fiscal year,
23 the Attorney General shall reduce the amount that the
24 State would have otherwise received under section 505 of
25 title I of the Omnibus Crime Control and Safe Streets Act

1 of 1968 (42 U.S.C. 3755) by 20 percent for the following
2 fiscal year.

3 (c) REALLOCATION.—Amounts not allocated to a
4 State under section 505 of title I of the Omnibus Crime
5 Control and Safe Streets Act of 1968 (42 U.S.C. 3755)
6 for a fiscal year pursuant to subsection (b) shall be reallo-
7 cated under such section to States that submit such cer-
8 tifications.

9 (d) MENSTRUAL PRODUCTS.—For the purposes of
10 subsection (a), the term “menstrual products” means san-
11 itary napkins and tampons that conform to applicable in-
12 dustry standards.

13 (e) AVAILABILITY FOR FEDERAL PRISONERS.—The
14 Attorney General shall make rules requiring, and the Di-
15 rector of the Bureau of Prisons shall take such actions
16 as may be necessary to ensure, the distribution and acces-
17 sibility without charge of menstrual products to prisoners
18 in the custody of the Bureau of Prisons, including any
19 prisoner in a Federal penal or correctional institution, any
20 Federal prisoner in a State penal or correctional institu-
21 tion, and any Federal prisoner in a facility administered
22 by a private detention entity, to ensure that each prisoner
23 who requires these products may receive them in sufficient
24 quantity.

1 (f) AVAILABILITY FOR DETAINEES.—The Secretary
2 of Homeland Security shall take such actions as may be
3 necessary to ensure that menstrual products are distrib-
4 uted and made accessible to each alien detained by the
5 Secretary of Homeland Security, including any alien in a
6 facility administered by a private detention entity, at no
7 expense to the alien.

8 **SEC. 6. MENSTRUAL PRODUCTS AVAILABILITY FOR HOME-**
9 **LESS INDIVIDUALS UNDER EMERGENCY**
10 **FOOD AND SHELTER GRANT PROGRAM.**

11 Subsection (a) of section 316 of the McKinney-Vento
12 Homeless Assistance Act (42 U.S.C. 11346(a)) is amend-
13 ed—

14 (1) in paragraph (5), by striking “and” at the
15 end;

16 (2) in paragraph (6), by striking the period at
17 the end and inserting “; and”; and

18 (3) by adding at the end the following new
19 paragraph:

20 “(7) guidelines that ensure that amounts pro-
21 vided under the program to private nonprofit organi-
22 zations and local governments may be used to pro-
23 vide sanitary napkins and tampons that conform to
24 applicable industry standards.”.

1 **SEC. 7. MENSTRUAL PRODUCTS COVERED BY MEDICAID.**

2 (a) IN GENERAL.—Section 1905 of the Social Secu-
3 rity Act (42 U.S.C. 1396d) is amended—

4 (1) in subsection (a)—

5 (A) by redesignating paragraphs (30) and

6 (31) as paragraphs (31) and (32), respectively;

7 and

8 (B) by inserting after paragraph (29) the

9 following new paragraph:

10 “(30) menstrual products (as defined in sub-
11 section (hh));”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(hh) MENSTRUAL PRODUCTS.—For purposes of
15 subsection (a)(30), the term ‘menstrual products’ means
16 sanitary napkins, tampons, liners, cups, and similar items
17 used by individuals with respect to menstruation and that
18 conform to industry standards.”.

19 (b) EFFECTIVE DATE.—

20 (1) IN GENERAL.—Subject to paragraph (2),

21 the amendments made by this section shall apply

22 with respect to medical assistance furnished during

23 or after the first calendar quarter beginning on or

24 after the date that is 1 year after the date of the

25 enactment of this Act.

1 (2) EXCEPTION FOR STATE LEGISLATION.—In
2 the case of a State plan under title XIX of the So-
3 cial Security Act (42 U.S.C. 1396 et seq.) that the
4 Secretary of Health and Human Services determines
5 requires State legislation in order for the respective
6 plan to meet any requirement imposed by amend-
7 ments made by this section, the respective plan shall
8 not be regarded as failing to comply with the re-
9 quirements of such title solely on the basis of its
10 failure to meet such an additional requirement be-
11 fore the first day of the first calendar quarter begin-
12 ning after the close of the first regular session of the
13 State legislature that begins after the date of the en-
14 actment of this Act. For purposes of the previous
15 sentence, in the case of a State that has a 2-year
16 legislative session, each year of the session shall be
17 considered to be a separate regular session of the
18 State legislature.

19 **SEC. 8. MENSTRUAL PRODUCTS FOR EMPLOYEES.**

20 Section 6 of the Occupational Safety and Health Act
21 of 1970 (29 U.S.C. 655) is amended by adding at the end
22 the following:

23 “(h) The Secretary shall by rule promulgate a re-
24 quirement that each employer with not less than 100 em-
25 ployees provide menstrual products free of charge for em-

1 ployees of the employer. For purposes of the preceding
2 sentence, ‘menstrual products’ means sanitary napkins
3 and tampons that conform to applicable industry stand-
4 ards.”.

5 **SEC. 9. MENSTRUAL PRODUCTS IN FEDERAL BUILDINGS.**

6 (a) REQUIREMENT.—Each appropriate authority
7 shall ensure that menstrual products are stocked in, and
8 available free of charge in, each covered restroom in each
9 covered public building under the jurisdiction of such au-
10 thority.

11 (b) DEFINITIONS.—In this section:

12 (1) APPROPRIATE AUTHORITY.—The term “ap-
13 propriate authority” means the head of a Federal
14 agency, the Architect of the Capitol, or other official
15 authority responsible for the operation of a covered
16 public building.

17 (2) COVERED PUBLIC BUILDING.—The term
18 “covered public building” means a public building,
19 as defined in section 3301 of title 40, United States
20 Code, that is open to the public and contains a pub-
21 lic restroom, and includes a building listed in section
22 6301 or 5101 of such title.

23 (3) COVERED RESTROOM.—The term “covered
24 restroom” means a restroom in a covered public
25 building.

1 (4) MENSTRUAL PRODUCTS.—The term “men-
2 strual products” means sanitary napkins and tam-
3 pons that conform to applicable industry standards.

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