

1 S.32

2 Introduced by Senators Lyons, Hardy, Clarkson, Hooker, McCormack,

3 Perchlik, Ram, Sirotkin and Westman

4 Referred to Committee on

5 Date:

6 Subject: Education; school wellness; feminine hygiene products

7 Statement of purpose of bill as introduced: This bill proposes to update the  
8 definition of a school wellness program to include comprehensive health  
9 education; require the Advisory Council on Wellness and Comprehensive  
10 Health to include at least three members with expertise in health services,  
11 health education, or health policy and to meet not less than twice per year;  
12 require the Agency of Education to update and distribute to school districts a  
13 model wellness program policy; and ensure that female students attending a  
14 public school or an approved independent school have access to menstrual  
15 hygiene products at no cost and without the embarrassment of having to  
16 request them.

17 An act relating to school wellness and feminine hygiene products

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 16 V.S.A. § 136 is amended to read:

3 § 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS  
4 AND COMPREHENSIVE HEALTH

5 (a) As used in this section:

6 \* \* \*

7 (5) “Wellness program” means a program that includes comprehensive  
8 health education as defined in section 131 of this title, fitness, and nutrition.

9 (b) The Secretary ~~with the approval of the State Board~~ shall establish an  
10 Advisory Council on Wellness and Comprehensive Health that shall include at  
11 least three members ~~associated with the health services field~~ with expertise in  
12 health services, health education, or health policy. The members shall serve  
13 without compensation ~~but shall receive their actual expenses incurred in~~  
14 ~~connection with their duties relating to wellness and comprehensive health~~  
15 ~~programs~~. The Council shall assist the Agency to plan, coordinate, and  
16 encourage wellness and comprehensive health programs in the public schools  
17 and shall meet not less than twice a year.

18 (c) The Secretary shall collaborate with other agencies and councils  
19 working on childhood wellness to:

20 (1) Supervise the preparation of appropriate ~~nutrition and fitness~~  
21 wellness program curricula for use in the public schools, promote programs for

1 the preparation of teachers to teach these curricula, and assist in the  
2 development of wellness programs.

3 \* \* \*

4 ~~(5) Create a process for schools to share with the Department of Health~~  
5 ~~any data collected about the height and weight of students in kindergarten~~  
6 ~~through grade six. The Commissioner of Health may report any data compiled~~  
7 ~~under this subdivision on a countywide basis. Any reporting of data must~~  
8 ~~protect the privacy of individual students and the identity of participating~~  
9 ~~schools.~~

10 \* \* \*

11 Sec. 2. SCHOOL WELLNESS POLICY

12 On or before January 15, 2022, the Agency of Education, in collaboration  
13 with the Advisory Council on Wellness and Comprehensive Health created  
14 under 16 V.S.A. § 136, shall update and distribute to school districts a model  
15 wellness program policy, using the expanded definition of “wellness program”  
16 under 16 V.S.A. § 136, as amended by this act, that shall:

17 (1) be in compliance with all relevant State and federal laws; and

18 (2) reflect nationally accepted best practices for comprehensive health  
19 education and school wellness policies, such as guidance from the Centers for  
20 Disease Control and Prevention’s Whole School, Whole Community, Whole  
21 Child Model.

1       Sec. 3. 16 V.S.A. § 1432 is added to read:

2       § 1432. MENSTRUAL HYGIENE PRODUCTS

3           (a) By enacting this statute, the General Assembly intends to ensure that a  
4       female student attending a public school or an approved independent school  
5       has access to menstrual hygiene products at no cost and without the  
6       embarrassment of having to request them.

7           (b) A school district and an approved independent school shall make  
8       menstrual hygiene products available at no cost in a majority of gender-neutral  
9       bathrooms and bathrooms designated for females that are generally used by  
10       females in any of grades five through 12 in each school within the district or  
11       under the jurisdiction of the board of the independent school. The school  
12       district or independent school, in consultation with the school nurse who  
13       provides services to the school, shall determine which of the gender-neutral  
14       bathrooms and bathrooms designated for females to stock with menstrual  
15       hygiene products and which brands to use.

16           (c) School districts and approved independent schools shall bear the cost of  
17       supplying menstrual hygiene products and may seek grants or partner with a  
18       nonprofit or community-based organization to fulfill this obligation.

1       Sec. 4. EFFECTIVE DATES

2           This act shall take effect on passage, except that school districts and  
3       approved independent schools shall comply with the requirements of Sec. 3 of  
4       this act for the 2022–2023 school year and thereafter.