

S. 12



To ensure the provision of period products across the United States and reduce period poverty.

IN THE SENATE

JULY 24, 2020

Mr. CARTON (for himself, Mr. GRIFFIN) introduced the following bill;

A BILL

To ensure the provision of period products across the United States and reduce period poverty.

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

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TITLE I—INITIAL DISPOSITIONS.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Period Products Provision Act of 2020”, or “P.P.P.A. 2020”.

SEC. 2. FINDINGS.

In this Act Congress finds that—

(1) Period products cost, on average, \$13.60 a month for a woman of reproductive age. The average reproductive age in the United States spans 39 years, from 12 to 51 years old.

(2) There were, as of January 1, 2018, an estimated 13 million women aged 12 to 51 living below the poverty level in the United States.

(3) Many impoverished women face “period poverty”, understood as the inability for a woman to access and afford period products. This phenomenon is especially common amongst homeless and incarcerated women, whose numbers are estimated to be around 226,000 and 219,000 respectively.

(4) Access to period products is difficult for many children and young adults, and their use often comes with a stigma and undue feelings of shame. It is estimated that one in five American girls have missed all or part of a school day due to their periods.

(5) The development of accessibility to period products, in

1 particular in schools and campuses or in federal public service
2 buildings would help alleviate the burden caused by periods, includ-
3 ing the necessity for a woman to always carry period products
4 when she leaves her home just prior to or during her period.

5 (6) Ending period poverty would help young women per-
6 form better in secondary and higher education, guarantee dignity
7 to women in poverty or at risk of poverty, and facilitate employ-
8 ment by allowing women to never miss a day of work due to indis-
9 position.

10 **SEC. 3. DEFINITIONS.**

11 In this Act—

12 (1) “Period products”—means manufactured articles the
13 purpose of which is to absorb or collect menstrual flow, all of
14 which must conform to applicable industry standards;

15 (2) “Secretary”—means the Health and Human Services
16 Secretary;

17 (3) “Publicly accessible institutions”—means means bod-
18 ies or other organizations appearing to the Secretary of
19 Health and Human Services—

20 (a) to be bodies or other organizations to the premises
21 of which the public or a section of the public has fre-
22 quent access; and

23 (b) to be otherwise suitable to be specified;

1 (4) “Federal public government institutions”—has the
2 meaning given to the term “agency” in section 551 of title 5,
3 United States Code;

4 (5) “Federal public service body”—means a federal public
5 government institution having functions that consist of or in-
6 clude providing public services or otherwise serving the public
7 interest;

8 (6) “Covered restroom”—means each restroom, except for
9 a restroom designated solely for use by men, in a public
10 building (as defined in section 3301 of title 40, United States
11 Code) that is open to the public, contains a restroom, and in-
12 cludes a building listed in section 6301 or 5101 of such title.

1 **TITLE II—GENERAL RIGHT TO AND**
2 **SUPPLY OF PERIOD PRODUCTS.**

3 **SEC. 4. RIGHT TO PERIOD PRODUCTS.**

4 Everyone in the United States who needs to use period prod-
5 ucts and whose annual household income is 200% of the poverty
6 rate or lower has the right under this Title to obtain them free of
7 charge.

8 **SEC. 5. THE PERIOD PRODUCT PLAN—GENERAL.**

9 (a) The Health and Human Services Secretary shall create a
10 plan (hereinafter the “period products plan”) to set out and regu-
11 late the right recognized under Section 4 and facilitate its exercise.

12 (b) The period products plan shall require any or all of the fol-
13 lowing—

14 (1) Specified federal public government institutions;

15 (2) Specified publicly accessible institutions; and/or

16 (3) Other specified persons or institutions.

17 to make period products available for the purposes of this Title or
18 to secure that they are made so available, or both.

19 (c) The Secretary shall adopt any regulation necessary to the
20 establishment and enforcement of the period products plan, no lat-
21 er than 12 (twelve) months following the date of entry into force of
22 this Act.

1 (d) Persons or institutions for the purposes of subsection (b)
2 may be specified individually or by reference to a category they are
3 a part of.

4 **SEC. 6. USING THE PLAN—PRELIMINARY PROCEDURE.**

5 (a) The period products plan may contain a provision by or
6 under which—

7 (1) an individual seeking to obtain period products un-
8 der said plan must provide sufficient proof of their identity
9 and of their annual household revenue, attesting it is equal to
10 or lower than 200% of the poverty rate, to enable the issu-
11 ance to them of the voucher mentioned in subsection (b); and

12 (2) in order to obtain them, the individual must, on each
13 occasion, produce that voucher or otherwise supply evidence
14 that they have it.

15 (b) If the plan contains such provision—

16 (1) it must also provide for the issuance to each individ-
17 ual seeking to obtain period products under it of a convenient
18 and suitably robust mean of identifying the person (hereinaf-
19 ter the “voucher”), which may be electronic;

20 (2) it must be such that getting a voucher is, for the in-
21 dividual, cost-free and reasonably easy, and can, in specified
22 circumstances, be done by another on the individual’s behalf;
23 and

1 (3) it must also provide that, for the purposes of that
2 provision, an individual provides sufficient proof of their
3 identity by stating the individual's name and their zip code,
4 or supplying in its stead personal information of such kind as
5 may be specified by the Secretary.

6 (c) This section shall not limit the power of the Secretary to
7 make a period products plan that contains provisions that are dif-
8 ferent from that described in this section, provided that if they do,
9 such different provisions must ensure that any process that is to be
10 followed before an individual can exercise the right to obtain period
11 products complies with subsection (b)(2).

12 **SEC. 7. USE AND OPERATION OF THE PLAN.**

13 (a) The period products plan shall be such that individuals us-
14 ing it to obtain period products can do so reasonably easily and
15 with reasonable privacy. In particular, it shall enable those individ-
16 uals to choose to have them delivered or have them collected as an
17 alternative to collecting them in person, but may then require an
18 individual choosing to have them delivered in specified circum-
19 stances to pay the relevant postal or delivery charges. Such speci-
20 fied circumstances shall be limited to those in which it would be
21 reasonable to expect an individual seeking to obtain period prod-
22 ucts to collect them in person.

23 (b) The period products plan must ensure that there is a rea-

1 sonable choice of different types of period products available to the
2 individual using it to obtain such products.

3 (c) The period products plan shall contain such further provi-
4 sions as the Secretary deems necessary to ensure it is fully and ef-
5 ficiently operated, and any abuse is prevented. Such provisions
6 may include measures designed to ensure that an individual may
7 not obtain quantities of period products that are greater than rea-
8 sonably proportionate to their use of such products.

1 **TITLE III—PROVISIONS APPLICABLE**
2 **TO PUPILS, STUDENTS, INCARCER-**
3 **ATED INDIVIDUALS AND DETAIN-**
4 **EES, AND OTHERS.**

5 **SEC. 8. EDUCATION PROVIDERS TO SUPPLY PERIOD**
6 **PRODUCTS TO PUPILS AND STUDENTS.**

7 (a) IN GENERAL.—Section 4108(5)(C) of the Elementary and
8 Secondary Education Act of 1965 (20 U.S.C. 7118(5)(C)) is
9 amended—

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

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

12 and

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

14 “(viii) provide free period products to students
15 who use period products in each restroom in buildings
16 or other premises that are normally used by the pupils
17 or students or whose purposes are ancillary or supple-
18 mentary to the education of the pupils or students
19 (such as residential accommodation or leisure or recre-
20 ational facilities), except for a restroom designated
21 solely for use by men;”.

22 (b) DEFINITIONS.—Section 4102 of the Elementary and Sec-

1 ondary Education Act of 1965 (20 U.S.C. 7112) is amended—

2 (1) by redesignating paragraphs (6) through (8) as par-
3 agraphs (7) through (9), respectively; and

4 (2) by inserting after paragraph (5) the following:

5 “(6) PERIOD PRODUCTS.—

6 “(A) IN GENERAL.—The term ‘period prod-
7 ucts’ means manufactured articles the purpose of
8 which is to absorb or collect menstrual flow, all of
9 which must conform to applicable industry
10 standards.

11 “(B) RULEMAKING.—By not later than 1
12 year after the date of enactment of the Period
13 Products Provision Act, the Secretary, in consul-
14 tation with the Secretary of Health and Human
15 Services, shall promulgate rules with respect to
16 this paragraph.”.

17 **SEC. 9. SPECIFIED FEDERAL PUBLIC SERVICE BODIES TO**
18 **SUPPLY PERIOD PRODUCTS FOR PERSONS IN THEIR**
19 **PREMISES.**

20 (a) The head of each specified federal public service body shall
21 ensure that period products are stocked and available free of
22 charge in each covered restroom under the jurisdiction of such
23 body. They shall do so in accordance with specified provisions of

1 the period product plan laying out how, where and when period
2 products are to be made available.

3 (b) Before specifying a public service body under this section,
4 the Secretary shall—

5 (1) consult the body; and

6 (2) consult any other body or person they deem to be an
7 interested party.

8 (c) Public service bodies for the purposes of subsection (a)
9 may be specified individually or by reference to a category they are
10 a part of. Where they are specified by reference to a category they
11 are a part of, subsection (b) shall apply in relation to each of those
12 bodies, as well as any organization representative of several of
13 those bodies.

14 **SEC. 10. PERIOD PRODUCTS FOR INCARCERATED IN-**
15 **DIVIDUALS AND DETAINEES.**

16 (a) REQUIREMENT FOR STATES.—Beginning on the date that
17 is 180 days after the date of the enactment of this Act, and annual-
18 ly thereafter, the chief executive officer of each State that receives
19 a grant under subpart 1 of part E of title I of the Omnibus Crime
20 Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.)
21 shall submit to the Attorney General a certification, in such form
22 and containing such information as the Attorney General may re-
23 quire, that all incarcerated individuals and detainees in that State

1 have access to period products on demand, and that no visitor is
2 prohibited from visiting an incarcerated individual due to the visi-
3 tor's use of period products.

4 (b) REDUCTION IN GRANT FUNDING.—In the case of a State
5 whose chief executive officer fails to submit a certification required
6 under subsection (a) in a fiscal year, the Attorney General shall re-
7 duce the amount that the State would have otherwise received un-
8 der section 505 of title I of the Omnibus Crime Control and Safe
9 Streets Act of 1968 (42 U.S.C. 3755) by 20 percent for the follow-
10 ing fiscal year.

11 (c) REALLOCATION.—Amounts not allocated to a State under
12 section 505 of title I of the Omnibus Crime Control and Safe
13 Streets Act of 1968 (42 U.S.C. 3755) for a fiscal year pursuant to
14 subsection (b) shall be reallocated under such section to States
15 that submit such certifications.

16 (d) AVAILABILITY FOR FEDERAL PRISONERS.—The Attorney
17 General shall make rules requiring, and the Director of the Bureau
18 of Prisons shall take such actions as may be necessary to ensure,
19 the distribution and accessibility without charge of period products
20 to prisoners in the custody of the Bureau of Prisons, including any
21 prisoner in a Federal penal or correctional institution, any Federal
22 prisoner in a State penal or correctional institution, and any Fed-
23 eral prisoner in a facility administered by a private detention enti-
24 ty, to ensure that each prisoner who requires these products may

1 receive them in sufficient quantity.

2 (e) AVAILABILITY FOR DETAINEES.—The Secretary of Home-
3 land Security shall take such actions as may be necessary to ensure
4 that period products are distributed and made accessible to each
5 alien detained by the Secretary of Homeland Security, including
6 any alien in a facility administered by a private detention entity.

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TITLE IV—FINAL DISPOSITIONS.

SEC. 11. PUBLICIZATION OF THE AVAILABILITY OF PERIOD PRODUCTS.

(a) The Secretary shall inform the public of the availability of period products under the period products plan and how, where and when they can be obtained.

(b) Federal public government institutions, publicly accessible institutions, other persons or institutions, and local educational agency obligated under this Act to make period products available in their premises may take such action as they deem fit to inform individuals who are seeking or might seek to obtain period products from them about how, where and when those individuals can obtain period products there, and shall comply with any requirements in that respect that may be specified by the Secretary.

SEC. 12. PAYMENT BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

The Secretary may, where they deem it appropriate to ensure the enforcement of this Act, make payments out of money appropriated to that effect to the Department of Health and Human Services to federal public government institutions, publicly accessible institutions, other persons or institutions, and education providers obligated under this Act to make period products available.

SEC. 13. REGULATORY DISPOSITIONS.

1 The Secretary shall have the power to adopt any and all regu-
2 lations provided for under this Act, as well as any and all regula-
3 tions necessary to ensure the proper implementation of this Act.

4 **SEC. 14. SEVERABILITY.**

5 If any provision of this Act, or the application of a provision to
6 any person or circumstance, is held to be unconstitutional, the re-
7 mainder of this Act, and the application of the provisions to any
8 person or circumstance, shall not be affected by the holding.

9 **SEC. 15. ENTRY INTO FORCE.**

10 This Act shall enter into force on the first day of the month
11 immediately following its enactment.

SPECIAL NOTES FROM THE AUTHOR:

This bill is heavily inspired by the Period Products (Free Provision) (Scotland) Bill introduced in the Scottish Parliament on April 23, 2019, by Monica LENNON MSP, which passed Stage 1 (Committee) on February 25, 2020, by a vote of 112 to 0, with 1 abstention; and by Rep. MENG's H.R. 1882, introduced in the House of Representatives on March 26, 2019.

Information about both bills can be found at the following links:

<https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/112914.aspx>

<https://www.congress.gov/bill/116th-congress/house-bill/1882>