



(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Ms. MENG introduced the following bill; which was referred to the Committee on _____

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:

1 (1) Menstrual products are a necessity each
2 month for millions of individuals across the United
3 States.

4 (2) More than half of the United States popu-
5 lation will likely menstruate every month for decades
6 of their lives.

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

10 (4) Period poverty exacerbates the vicious cycle
11 of poverty by further marginalizing individuals who
12 menstruate, causing them to withdraw from daily
13 life, forego pay, or miss educational opportunities.

14 (5) Period poverty existed long before the
15 COVID–19 pandemic.

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

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

22 (8) Studies have shown that 1 in 4 women and
23 girls reports struggling to afford menstrual prod-
24 ucts.

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

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

7 (11) Individuals living in period poverty are
8 more likely to experience depression than individuals
9 with access to period products.

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

12 (A) the use of substitutes for menstrual
13 products (such as paper towels or toilet paper);
14 and

15 (B) the inability to change menstrual prod-
16 ucts as frequently as recommended.

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

19 (a) IN GENERAL.—Section 4108(5)(C) of the Ele-
20 mentary and Secondary Education Act of 1965 (20 U.S.C.
21 7118(5)(C)) is amended—

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

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

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

2 “(viii) provide free menstrual products
3 to students who use menstrual products;”.

4 (b) DEFINITIONS.—Section 4102 of the Elementary
5 and Secondary Education Act of 1965 (20 U.S.C. 7112)
6 is amended—

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

9 (2) by inserting after paragraph (5) the fol-
10 lowing:

11 “(6) MENSTRUAL PRODUCTS.—The term ‘men-
12 strual products’ means sanitary napkins and tam-
13 pons that conform to applicable industry stand-
14 ards.”.

15 (c) RULEMAKING.—Not later than 1 year after the
16 date of enactment of this Act, the Secretary of Education,
17 in consultation with the Secretary of Health and Human
18 Services, shall promulgate rules with respect to the defini-
19 tion of “menstrual products” in paragraph (6) of section
20 4102 of the Elementary and Secondary Education Act of
21 1965 (20 U.S.C. 7112), as amended by section 3(b).

22 **SEC. 4. MENSTRUAL PRODUCTS FOR STUDENTS AT INSTI-
23 TUTIONS OF HIGHER EDUCATION.**

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

1 (1) the barriers to academic success faced by
2 many college and graduate students due to the in-
3 ability of such students to afford to purchase men-
4 strual products; and

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

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

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

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

18 (c) APPLICATION.—To apply for a grant under this
19 section, an institution of higher education shall submit to
20 the Secretary an application in such form, at such time,
21 and containing such information as the Secretary deter-
22 mines appropriate, including an assurance that such grant
23 will be used to carry out the activities described in sub-
24 section (e).

1 (d) COMMUNITY COLLEGES.—At least 50 percent of
2 the grants awarded under this section shall be awarded
3 to community colleges.

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

6 (1) carry out or expand activities that fund pro-
7 grams that support direct provision of free men-
8 strual products to students in appropriate campus
9 locations, including—

10 (A) campus restroom facilities;

11 (B) wellness centers; and

12 (C) on-campus residential buildings;

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

14 (3) conduct outreach to students to encourage
15 participation in menstrual equity programs and serv-
16 ices;

17 (4) help eligible students apply for and enroll in
18 local, State, and Federal public assistance programs;
19 and

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

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

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

4 (2) historically Black colleges and universities,
5 Hispanic-serving institutions, Asian American and
6 Native American Pacific Islander-serving institu-
7 tions, and other minority serving institutions.

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

11 (h) **AUTHORIZATION OF APPROPRIATIONS.**—There
12 are authorized to be appropriated \$5,000,000 out of funds
13 appropriated for a fiscal year to the Fund for the Improve-
14 ment of Postsecondary Education under section 741 of the
15 Higher Education Act of 1965 (20 U.S.C. 1138) to carry
16 out the grant program under this section.

17 **SEC. 5. MENSTRUAL PRODUCTS FOR INCARCERATED INDI-**
18 **VIDUALS AND DETAINEES.**

19 (a) **REQUIREMENT FOR STATES.**—Beginning on the
20 date that is 180 days after the date of the enactment of
21 this Act, and annually thereafter, the chief executive offi-
22 cer of each State that receives a grant under subpart 1
23 of part E of title I of the Omnibus Crime Control and
24 Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (com-
25 monly referred to as the “Edward Byrne Memorial Justice

1 Assistance Grant Program”) shall submit to the Attorney
2 General a certification, in such form and containing such
3 information as the Attorney General may require, that all
4 incarcerated individuals and detainees in that State have
5 access to menstrual products on demand and at no cost
6 to the incarcerated individuals and detainees, and that no
7 visitor is prohibited from visiting an incarcerated indi-
8 vidual due to the visitor’s use of menstrual products.

9 (b) REDUCTION IN GRANT FUNDING.—In the case
10 of a State whose chief executive officer fails to submit a
11 certification required under subsection (a) in a fiscal year,
12 the Attorney General shall reduce the amount that the
13 State would have otherwise received under section 505 of
14 title I of the Omnibus Crime Control and Safe Streets Act
15 of 1968 (42 U.S.C. 3755) by 20 percent for the following
16 fiscal year.

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

23 (d) MENSTRUAL PRODUCTS.—For the purposes of
24 subsection (a), the term “menstrual products” means san-

1 itary napkins and tampons that conform to applicable in-
2 dustry standards.

3 (e) AVAILABILITY FOR FEDERAL PRISONERS.—The
4 Attorney General shall make rules requiring, and the Di-
5 rector of the Bureau of Prisons shall take such actions
6 as may be necessary to ensure, the distribution and acces-
7 sibility without charge of menstrual products to prisoners
8 in the custody of the Bureau of Prisons, including any
9 prisoner in a Federal penal or correctional institution, any
10 Federal prisoner in a State penal or correctional institu-
11 tion, and any Federal prisoner in a facility administered
12 by a private detention entity, to ensure that each prisoner
13 who requires these products may receive them in sufficient
14 quantity.

15 (f) AVAILABILITY FOR DETAINEES.—The Secretary
16 of Homeland Security shall take such actions as may be
17 necessary to ensure that menstrual products are distrib-
18 uted and made accessible to each alien detained by the
19 Secretary of Homeland Security, including any alien in a
20 facility administered by a private detention entity, at no
21 expense to the alien.

1 **SEC. 6. MENSTRUAL PRODUCTS AVAILABILITY FOR HOME-**
2 **LESS INDIVIDUALS UNDER EMERGENCY**
3 **FOOD AND SHELTER GRANT PROGRAM.**

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

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

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

11 (3) by adding at the end the following new
12 paragraph:

13 “(7) guidelines that ensure that amounts pro-
14 vided under the program to private nonprofit organi-
15 zations and local governments may be used to pro-
16 vide sanitary napkins and tampons that conform to
17 applicable industry standards.”.

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

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

21 (1) in subsection (a)—

22 (A) by redesignating paragraphs (30) and
23 (31) as paragraphs (31) and (32), respectively;
24 and

25 (B) by inserting after paragraph (29) the
26 following new paragraph:

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

3 (2) by adding at the end the following new sub-
4 section:

5 “(hh) MENSTRUAL PRODUCTS.—For purposes of
6 subsection (a)(30), The term ‘menstrual products’ means
7 sanitary napkins, tampons, liners, cups, and similar items
8 used by individuals with respect to menstruation and that
9 conform to industry standards.”.

10 (b) EFFECTIVE DATE.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 the amendments made by this section shall apply
13 with respect to medical assistance furnished during
14 or after the first calendar quarter beginning on or
15 after the date that is 1 year after the date of the
16 enactment of this Act.

17 (2) EXCEPTION FOR STATE LEGISLATION.—In
18 the case of a State plan under title XIX of the So-
19 cial Security Act (42 U.S.C. 1396 et seq.) that the
20 Secretary of Health and Human Services determines
21 requires State legislation in order for the respective
22 plan to meet any requirement imposed by amend-
23 ments made by this section, the respective plan shall
24 not be regarded as failing to comply with the re-
25 quirements of such title solely on the basis of its

1 failure to meet such an additional requirement be-
2 fore the first day of the first calendar quarter begin-
3 ning after the close of the first regular session of the
4 State legislature that begins after the date of the en-
5 actment of this Act. For purposes of the previous
6 sentence, in the case of a State that has a 2-year
7 legislative session, each year of the session shall be
8 considered to be a separate regular session of the
9 State legislature.

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

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

14 “(h) The Secretary shall by rule promulgate a re-
15 quirement that each employer with not less than 100 em-
16 ployees provide menstrual products free of charge for em-
17 ployees of the employer. For purposes of the preceding
18 sentence, ‘menstrual products’ means sanitary napkins
19 and tampons that conform to applicable industry stand-
20 ards.”.

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

22 (a) REQUIREMENT.—Each appropriate authority
23 shall ensure that menstrual products are stocked in, and
24 available free of charge in, each covered restroom in each

1 covered public building under the jurisdiction of such au-
2 thority.

3 (b) DEFINITIONS.—In this section:

4 (1) APPROPRIATE AUTHORITY.—The term “ap-
5 propriate authority” means the head of a Federal
6 agency, the Architect of the Capitol, or other official
7 authority responsible for the operation of a covered
8 public building.

9 (2) COVERED PUBLIC BUILDING.—The term
10 “covered public building” means a public building,
11 as defined in section 3301 of title 40, United States
12 Code, that is open to the public and contains a pub-
13 lic restroom, and includes a building listed in section
14 6301 or 5101 of such title.

15 (3) COVERED RESTROOM.—The term “covered
16 restroom” means a restroom in a covered public
17 building.

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