

ARTICLE 20

TWENTIETH ARTICLE

Submitted by: Rebecca Stone, TMM 3

To see if the Town will amend its by-laws to improve gender equity in public toilet facilities by providing free menstrual hygiene products in restrooms serving the general public in its public buildings, as follows:

**8.37 MENSTRUAL HYGIENE PRODUCTS ACCESS BY-LAW**

**SECTION 8.37.1 DEFINITIONS**

"Menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.

"Restrooms serving the general public" mean restrooms established for use by members of the public (as differentiated from staff restroom facilities).

"Public Building" for the purposes of this Warrant Article means any facility owned or leased by the Town of Brookline that contains restrooms for the general public and over which the Town has care, maintenance, custody, and/or control. This shall include, but not be limited to: Public Libraries, the Town Hall Complex (including the Public Health Bldg), the Public Safety Bldg, Recreational Facilities, and Parks.

"Female-bodied" means any individual who experiences a menstrual cycle.

**SECTION 8.37.2 ACCESS TO MENSTRUAL HYGIENE PRODUCTS**

The Town of Brookline shall make available and accessible at no charge menstrual hygiene products (tampons and pads/napkins) in its public building restrooms that serve female-bodied members of the public.

**SECTION 8.37.3 MANNER OF DISPENSING**

Machine dispensers for menstrual hygiene products provided under this by-law shall be chosen in consultation with the Building Department and Department of Public Health, but must comply with ADA and other equity-of-access laws and considerations.

Menstrual hygiene products made available at no charge from an employee, office, or other site in a public building upon in-person request does not constitute compliance with this by-law.

**SECTION 8.37.4 GREEN PRODUCTS**

Tampons with plastic applicators may not be provided under this by-law.

SECTION 8.37.5 EFFECTIVE DATE

This by-law shall take effect July 1, 2021. It will become effective for the Public Schools of Brookline upon adoption by the Brookline School Committee.

or act on anything relative thereto.

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PETITIONER'S ARTICLE DESCRIPTION

If approved by Town Meeting, this Warrant Article would make the Town of Brookline the first municipality in the country to provide free menstrual hygiene products in its public buildings. With this article, Brookline has a chance to be a leader, again, and to address an issue gaining recognition as fundamental to the just treatment of women and the goal of gender equity.

While some U.S.cities and states have mandated free menstrual hygiene products in public schools and/or prisons and homeless shelters, these policies address only a piece of the problem, focusing more narrowly on how affordability intersects with equity and access. This article embraces the notion that affordability is just one aspect of the larger issue, and that gender equity in public health requires access for all to these basic public hygiene products.

The article is brought on behalf of a group of students at BHS who first raised the issue in the Sagamore: Stigma around periods produces undue shame (Spring 2017). The students contend that a natural bodily function regularly experienced by 52% of the population should be treated not as an issue only for those struggling economically, but the same way we treat other daily public hygiene needs: with free, accessible sanitary products. Tampons and pads are as necessary for public health and hygiene as toilet paper. They should be treated the same way.

Which restrooms? Because not all people who experience a period identify as female, the by-law would include all restrooms for the general public including, but not limited to, Town Hall, the Public Health building, Public Safety building, public libraries, and recreational facilities such as the Pool, the Putterham Golf Course and the Ice Rink at Larz.

What about schools? The School Committee would need to adopt the by-law or a similar measure for it to be in effect in the Brookline public schools. A bill is pending before the State Legislature that would require this of all MA public schools serving students in grades 6-12.

Cost: The most substantial cost of the by-law is the purchase and installation of dispensing machines in our public bathrooms. For that reason, the by-law has an effective date that will allow a phase-in across multiple fiscal years. Installation can be done by

existing Town building staff, so the budget impact is principally the machine costs. Once machines are installed, bulk ordered supplies are far less expensive than typical retail and will be included in the budget for toilet paper, paper towel, and other products already provided in public restrooms.

**BACKGROUND:**

The average female-bodied person will have a menstrual period lasting 3-5 days, twelve times a year, for about 40 years. In the United States, having a period is the reality for 52 percent of the population, each of whom will use almost 17,000 tampons or pads over their lifetime. Having one's period can be physically painful or even debilitating, it is a time of heightened risk of infection, and even in the best of circumstances can easily disrupt one's day at school or work.

Historically, menstruation has been treated as a social taboo, a topic used to shame women and girls. In the United States, 36 states still tax tampons and pads as "non-essential" or "luxury" items (Massachusetts is one of the 14 states that has eliminated the "tampon tax"). Food stamps may not be used to purchase tampons and pads, nor does WIC -- the federal program supporting health and nutrition for mothers and babies -- cover these essential sanitary products.

The recently re-energized women's movement has begun to challenge these policies and practices. In the past few years, a national campaign to end the tampon tax has expanded the number of states making these products tax-free. In 2017, following local efforts in jails and detention centers, a federal statute established the requirement for free menstrual hygiene products in prisons.

While Brookline would be the first municipality in the U.S. to take the steps outlined in this warrant article, New York State and Illinois have both passed laws mandating free menstrual hygiene products in public schools grades 6-12, in homeless shelters, and in prisons. California has passed a statewide mandate for its grade 6-12 schools that qualify for Title 1 low-income funding. A similar bill to those passed in NY and IL is now before the Massachusetts legislature and enjoys strong public support, so the PSB may face a state mandate regardless of its action on this article.

Menstrual equity has also become a global women's rights issue. Seoul, South Korea is the first city in the world to take municipal action, in 2018 announcing a pilot program to provide free menstrual products at ten public facilities around the capital. (This followed a public report that impoverished girls who could not afford to purchase pads were using the insoles of shoes in place of sanitary napkins.) In August, 2018, Scotland became the first nation in the world to guarantee free sanitary products to all students at schools, colleges, and universities. And the 2019 Academy Award for best documentary short subject went to *Period. End of Sentence.*, a documentary about women in a rural village near Delhi, India, who start producing and distributing menstrual hygiene supplies to end the stigma surrounding menstruation.

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SELECT BOARD'S RECOMMENDATION

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ADVISORY COMMITTEE'S RECOMMENDATION

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