

# HAWAII YOUTH SERVICES NETWORK

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Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

February 4, 2020

To: Representative Justin Woodson  
And members of the Committee on Lower and Higher Education

## **Testimony in Support of HB 2430 Related to Feminine Hygiene Products**

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports SB 2430 Relating to Feminine Hygiene Products.

Feminine hygiene products are a basic necessity for adolescent girls. For low income students, the cost of feminine hygiene products is a burden.

When feminine hygiene supplies are not accessible to students, there are educational, health, and social impacts. Using a pad or tampon for a lengthy period of time can result in strong, unpleasant odors and bleeding through one's clothing. Students may choose to be truant from school to avoid the embarrassment, and the taunts and bullying from their peers. Stale menstrual blood may increase risk of vaginal and urinary track infections.

As a member the Steering Committee for the Youth Homelessness Demonstration Project, I work closely with the Oahu Youth Advisory Board, made up of youth and young adults with lived experience of homelessness. The female members have experienced shortages of feminine hygiene products and strongly recommend that schools make supplies available at no charge to needy students.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director



Hawai'i

Committees: House Committee on Lower and Higher Education  
Hearing Date/Time: February 6, 2020 at 2:10pm  
Place: Room 309  
Re: Testimony of the ACLU of Hawai'i in Support of H.B. 2430, Relating to Education Data.

Dear Chair Woodson, Vice Chair Hashem, and members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in support of H.B. 2430, which would guarantee menstrual equity for school-going youth, particularly as it aids in educational access.

Hawai'i can be a leader in ensuring menstrual product access. 33 states do not exempt menstrual products from taxation<sup>1</sup>, but many states are beginning to address the issue. For a teen who lives in poverty, a lack of menstrual products can lead to loss of educational opportunity.<sup>2</sup> Tampons and pads are not typically covered in education budgets or public health programs. Often, when youth cannot afford these products, teachers end up personally covering costs or students will even stay home.<sup>3</sup>

There is societal stigma associated with a healthy human function; the shame of bleeding through clothes can cause lifelong consequences when it results in missing class or higher rates of absenteeism.<sup>4</sup> Schools should be areas of support for our youth who need assistance for basic human necessities.

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<sup>1</sup> See Tax Free. Period., [www.taxfreeperiod.com](http://www.taxfreeperiod.com).

<sup>2</sup> Heather Koball and Yang Jiang, "Basic Facts About Low-Income Children," National Center for Children in Poverty, Columbia University Mailman School of Public Health, January 2018, [http://www.nccp.org/publications/pub\\_1194.html](http://www.nccp.org/publications/pub_1194.html).

<sup>3</sup> ACLU National Prison Project. "The Unequal Price of Periods," December 2019, [https://www.aclu.org/sites/default/files/field\\_document/111219-sj-periodequity.pdf](https://www.aclu.org/sites/default/files/field_document/111219-sj-periodequity.pdf).

<sup>4</sup> "Chronic Absenteeism and Its Impact on Achievement," University of Delaware Center for Research in Education & Social Policy, June 2018, [https://www.cresp.udel.edu/wp-content/uploads/2018/07/P18-002.5\\_final.pdf](https://www.cresp.udel.edu/wp-content/uploads/2018/07/P18-002.5_final.pdf).

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Chair Woodson and Members of the Committee on Lower and Higher Education  
February 6, 2020  
Page 2 of 2

Lack of access to menstrual products can lead to negative medical outcomes. Those who use unsafe alternatives to pads or tampons, or use tampons overlong, may suffer from reproductive tract infections that make them more susceptible to sexually transmitted infections or cervical cancer.<sup>5</sup> For these reasons, we urge the Committee to support this measure. Thank you for the opportunity to testify.

Sincerely,

Rae Shih  
Legal Fellow  
ACLU of Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.*

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<sup>5</sup> See Centers for Disease Control and Prevention, Genital HPV Infection — Fact Sheet, 2017, <https://www.cdc.gov/std/hpv/stdfact-hpv.htm>.

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**HB-2430**

Submitted on: 2/4/2020 4:37:20 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:



I SUPPORT THE GIRLS

Aloha,

My name is Moana Olaso and since April of 2019, I have been the Affiliate Director of I Support The Girls Hawaii. We are part of an international organization, headquartered in Baltimore, MD. Our founder, Dana Marlowe, started this organization in 2015 as a way to restore the dignity and self-esteem to women and girls who cannot afford their basic necessities of menstrual hygiene products which includes pads, tampons, liners, and menstrual cups.

In just 10 months, ISTG Hawaii has collected donations from around the state and gifted products to over 40 organizations, schools, and shelters. Many of the women we donate to, may have young daughters, nieces, and granddaughters that require menstrual hygiene products but lack the funds to purchase an adequate supply for their monthly cycle. This includes those women who are homeless, victims of domestic violence, victims of sex trafficking, and those in foster care or a transitional housing for youth.

I Support The Girls Hawaii has distributed nearly 85,000 menstrual hygiene products across the 6 major islands. Of that, we have donated 13,748 pads, 16,285 tampons, and 6,386 liners to public middle schools and high schools. That brings our total count to 36,149 to public school students. That is 43% of our total donations! How is it that our students not only have to concentrate on their studies but also have to make choices of whether or not to stay in school when they do not have access to menstrual hygiene products? I have spoken to several groups of students about the challenges they face when they don't have access to these products and asked them what they do when they miscalculate the start of their period and they have an "accident" in school. Some have to use makeshift materials like paper towels or toilet paper just to get them through the day. Most times, students will leave campus, and head home to get the products they need. But for homeless women, sometimes using things like newspaper, socks, or torn rags, contributes to bigger health problems.

With half of the population having a menstrual cycle, the importance of having free access to or making menstrual hygiene products available to those who need it is very important. If you needed to make a choice between a hot meal and your basic necessities, which would you choose? For most, if you are living on the street or in your car, you would probably choose a hot meal. No woman or girl should have to make those choices and we are humbly asking you to make it a little easier for women to have access to their monthly medical necessities. If you think that this is not a medical issue, think again. Having your period is actually a form of hemorrhaging. Your body is expelling blood and products are therefore needed to control the flow.

If we are able to provide erectile dysfunction pills to men at no tax, why are women and girls not afforded the same decency? Please remember that although 50% of the population menstruates every month for 30 to 40 years or longer, 100% of the population was conceived by someone that experienced their period at some point in their life. This could've easily have been you mother or grandmother fighting for her rights as a woman.

Please consider voting for HB 2430 and help restore the dignity of women and girls across our state.

Sincerely,

E. Moana Olaso  
Affiliate Director  
I Support The Girls Hawaii

**HB-2430**

Submitted on: 2/5/2020 7:50:27 AM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments:

February 5, 2020

Hawaii's tampon tax is unconstitutional.

- The sales tax on menstrual products (aka the tampon tax) is tax on people who menstruate and therefore unconstitutional because it treats individuals differently based solely on their sex.
- Constitutional law scholars from across the country, including Erwin Chemerinsky, Dean of UC Berkeley Law School, agree that the tampon tax amounts to sex-based discrimination in violation of equal protection at both the state and federal level.<sup>1</sup>
- Hawaii courts have held that laws which discriminate based on sex are subject to strict judicial scrutiny, a higher standard than at the federal level. Defending the tampon tax would require Hawaii to demonstrate a “compelling” state interest<sup>2</sup> in taxing medical necessities used by one sex and not the other.

The tampon tax is unfair.

- Women, on average, use more than 16,000 tampons or pads in a lifetime.<sup>3</sup>
- The sales and use tax on menstrual products unfairly burdens the state's lowest income group: women.<sup>4</sup>
- The American Medical Association deems menstrual products medical necessities and has called the tampon tax a “regressive penalty.”<sup>5</sup>
- Low-income women may be forced to choose between purchasing menstrual products and other necessities.<sup>6</sup>

Hawaii can afford to eliminate this unconstitutional, regressive tax on women.

- Hawaii collects \$800,000 annually from the sales and use tax on menstrual products.<sup>7</sup>
- Hawaii's tax collections increased from 2018 to 2019 by almost 5%.<sup>8</sup>

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<sup>1</sup> Erwin Chemerinsky and Jennifer Weiss-Wolf, “Taxing Tampons Isn’t Just Unfair, it’s Unconstitutional,” Los Angeles Times (July 11, 2019); <https://www.latimes.com/opinion/op-ed/la-oe-chemerinsky-weiss-wolf-tampons-tax-20190711-story.html>

<sup>2</sup> Nakano v. Matayoshi, 68 Haw. 140, 151, 706 P.2d 814, 821 (1985)

<sup>3</sup> “A woman on menopausal hormone therapy may use as many as 24,360 tampons in her lifetime.” Findings for Robin Danielson Feminine Hygiene Product Safety Act of 2017, H.R.2379, 115th Congress (2017)

<sup>4</sup> <https://talkpoverty.org/state-year-report/hawaii-2018-report/>

<sup>5</sup> <https://www.ama-assn.org/press-center/press-releases/ama-adopts-new-policies-final-day-annual-meeting>

<sup>6</sup> Anne Sebert Kuhlmann, PhD, MPH; Eleanor Peters Bergquist, MA, MSPH; Djenie Danjoint, MPH; Lewis L. Wall, MD, DPhil, “Unmet Menstrual Hygiene Needs Among Low-Income Women,” *Obstetrics & Gynecology*, v. 133, Issue 2, (February 2019), pp. 238-244.

<sup>7</sup> [https://budget.hawaii.gov/wp-content/uploads/2018/12/01.-The-Governors-Message-FB19-21-PFP.ef3\\_.pdf](https://budget.hawaii.gov/wp-content/uploads/2018/12/01.-The-Governors-Message-FB19-21-PFP.ef3_.pdf)

<sup>8</sup> [https://budget.hawaii.gov/wp-content/uploads/2018/12/01.-The-Governors-Message-FB19-21-PFP.ef3\\_.pdf](https://budget.hawaii.gov/wp-content/uploads/2018/12/01.-The-Governors-Message-FB19-21-PFP.ef3_.pdf)

- The tampon tax amounts to less than .01% percent of Hawaii's total revenue.

#### Removing the tax is a bipartisan issue.

- Eliminating the tampon tax has enjoyed bipartisan support across the country, with members of both political parties introducing legislation and signing bills into law to eliminate it.<sup>9</sup>
- Just this past November, for example, Ohio joined the states that have eliminated the tampon tax in a bipartisan, nearly unanimous reform measure. The original bill was co-sponsored by both a democratic and republican representative, and the measure was passed by a republican legislature and signed into law by a republican governor.
- Most recently, Utah eliminated the tax in its 2019 tax reform initiative, an acknowledgement that states can no longer draw revenue from an illegal tax.<sup>10</sup>

#### Period Equity is prepared to argue the tampon tax's unconstitutionality in court.

- Period Equity is leading a state-by-state campaign to eliminate this tax: we have organized protests around the country, are lobbying legislatures and governors, and are prepared to litigate to eliminate this unconstitutional tax.
- In our fight on behalf of people who menstruate, we are winning.
  - We spearheaded a class action lawsuit<sup>11</sup> in New York in 2016 on behalf of women who paid the tax, prompting the state to eliminate its tax within months.
  - Four states—Connecticut, Florida, Illinois, and Nevada—followed in relatively quick succession.
  - Since we announced our national, coordinated legal campaign — “Tax Free. Period.” — in June, Rhode Island, Ohio and Utah have all eliminated this tax. Additionally, California's governor extended the state's tampon tax exemption, which began January 1, an additional two years, until July 2023.
  - On November 20, 2019, as part of our nationwide campaign Tax Free. Period.,<sup>12</sup> thousands of activists petitioned their states, including Hawaii, for a refund of the tax they paid on menstrual products. Petitioners will appeal denials of their claims and pursue these cases in court.
- Hawaii women are legally owed millions of dollars of overpaid taxes. By eliminating the tampon tax now, however, legislators can save the state years of litigation costs and a potentially sizable refund.

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<sup>9</sup> Ohio Governor Mike DeWine (R) signed into a law a bipartisan bill that passed the state legislature nearly unanimously. See also Jennifer Weiss-Wolf and Steve Andersson, “Republican or Democrat — We Can All Agree on Axing the Tampon Tax,” Newsweek (April 15, 2019) <https://www.newsweek.com/tampon-tax-republican-democrat-opinion-1391763>

<sup>10</sup> Jennifer Weiss-Wolf and Emily Bell McCormick, “Even Utah is Ending the Discriminatory Tampon Tax. Who's Next?” Newsweek (December 13, 2019) <https://www.newsweek.com/even-utah-ending-discriminatory-tampon-tax-whos-next-opinion-1477143>

<sup>11</sup> See Complaint, Seibert v. New York State Department of Taxation and Finance (N.Y. Sup. Ct. 2016), <http://www.ecbalaw.com/wp-content/uploads/2016/03/Tampon-Tax.-Revised-Class-Action-Summons-and-Complaint-3-3-16-00243311x9CCC2.pdf>

<sup>12</sup> For more information, please visit [www.taxfreeperiod.com](http://www.taxfreeperiod.com).



**HB-2430**

Submitted on: 2/4/2020 6:22:46 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Younghi Overly	aaup of hawaii	Support	No

Comments:

**HB-2430**

Submitted on: 2/4/2020 4:44:40 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl	Individual	Support	Yes

Comments:

It is my hope that everyone can see the importance of making sure that all schools' students have equitable access to feminine menstrual products. It is important to realize that those who use these products have additional financial, physical and mental challenges which we can help alleviate. If you need more information or data, I am sure that it can be provided. As an educator, I am well aware of how the menstrual cycles impact students and the community. Please, vote in support of this bill and provide or help the DOE locate funds to do so.

**HB-2430**

Submitted on: 2/4/2020 5:04:23 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kailana Moa-Eli	Individual	Support	No

Comments:

I strongly support

**HB-2430**

Submitted on: 2/4/2020 5:29:10 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lorilani Keohokalole	Individual	Support	No

Comments:

Aloha to you all,

I am writing in Support of HB2430.

As a former resource teacher and Administratvie staff in a local school, I cannot express how important this Bill will be for the girls and young women in our schools. I urge you to pass this and support it as it moves forward.

Thank you for your time,

Lorilani Keohokalole

**HB-2430**

Submitted on: 2/4/2020 9:45:09 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ryan Mandado	Individual	Support	No

Comments:

Aloha Chairman Woodson and Members of the Committee,

My name is Ryan Mandado and I'm the Chief Academic Officer of DreamHouse 'Ewa Beach Public Charter School. I am in full support of this measure.

Feminine hygiene products should be free for all schools. Female students should come to school feeling they have the resources to help with their physiological needs.

Mahalo,

Ryan Mandado

808-931-0442

ryanmandado@gmail.com

**HB-2430**

Submitted on: 2/4/2020 9:52:54 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pana Kia	Individual	Support	No

Comments:

As a middle school teacher, it pains me to know that my students may be staying home or miss class due to problems arising from securing menstrual products. It is not a choice to bleed, but rather biology. In order to keep students in school, we need to be able to supply students who need this type of product in school. Pads are school supplies and although we hope that their parents can secure this type of product the reality is that accidents and financial insecurity is not unknown to the people of Hawaii, however, the students shouldn't have to suffer due to those factors. Please consider supporting this as there are many other states who have been passing similar laws, so why not add Hawaii to that list?

**HB-2430**

Submitted on: 2/5/2020 6:22:34 AM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Woodson and Members of the Committee on Lower and Higher Education,

I am writing in support of HB2430.

I believe that menstrual and feminine hygiene products need to be more accessible to females. By removing the GET on these products, more girls and women will be able to afford these necessities.

There are many girls in school who cannot afford to buy feminine products. This can be quite embarrassing for a young teenager who is struggling through puberty. This bill appropriates funds to the DOE to make feminine hygiene products available to students for free on public secondary school campuses.

Please support this bill.

Mahalo,

Caroline Kunitake

**HB-2430**

Submitted on: 2/5/2020 9:07:24 AM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kathryn xian	Individual	Support	Yes

Comments:



**HB-2430**

Submitted on: 2/5/2020 12:12:03 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jamie Lemon	Individual	Support	No

Comments:

**February 5, 2020**

**To: Justin H. Woodson, Chair**

**Mark J Hashem, Vice Chair**

**Sean Quinlan, Vice Chair**

**Members of the Lower and Higher Education Committee**

**From: Jamie Lemon**

**Subject: Support of House Bill 2430, Relating to Feminine Hygiene Products**

**Hello, my name is Jamie Lemon and I am currently a Junior at Kalaheo High School. I strongly support HB 2430. This bill would exempt feminine hygiene products from the general tax and provide the DOE with money to supply students with menstrual products for free on secondary campuses. This is much needed as many women can not not afford to purchase these essential products. In addition, passing this bill would further women's equality.**

**According to a study conducted by Harris Insights and Analytics on 1,000 girls aged 13 to 19, one in five of the girls stated that they can't afford to purchase menstrual hygiene products. In addition, 25% of them have missed class because they didn't have access to tampons or pads. When women can't afford to buy**

**menstrual products, they have to resort to unsanitary things such as rags, toilet paper, and even napkins which can lead to infection. No woman should have to risk illness or miss out on education simply because they can't afford something that is essential to them. By getting rid of the "tampon tax", feminine products would become much more affordable to women and lower the thousands of dollars women spend on them in their lifetime. Supplying schools with pads and tampons to hand out to students for free would also mean that no student would ever have to miss school because they don't have access to the products.**

**Another benefit of passing this bill is that it helps promote menstrual equality which in turn, promotes women's equality. According to Time Magazine, the United Nations has declared menstrual hygiene a public-health, gender-equality and human rights issue. By taxing menstrual products, it's ignoring the fact that they are essential products that are necessary for women. It's not fair to tax something that people can't live without. Getting rid of this tax would acknowledge that they are necessary and would help us become closer to equality.**

**Thank you and I truly hope you support this bill.**



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**LATE**

**Date:** 02/06/2020

**Time:** 02:10 PM

**Location:** 309

**Committee:** House Lower & Higher  
Education

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** HB 2430 RELATING TO FEMININE HYGIENE PRODUCTS.

**Purpose of Bill:** Promotes menstrual equity by providing an exemption from the GET, beginning October 1, 2020, for the sale of feminine hygiene products in the State. Appropriates funds to the DOE to make feminine hygiene products available to students for free on public secondary school campuses.

**Department's Position:**

The Department of Education (Department) supports HB 2430 provided that its passage does not replace or adversely impact priorities as indicated in our Board of Education-approved budget.

Feminine hygiene products, including but not limited to menstrual pads and tampons, may be difficult for some students to afford or access when they are in need. Having these materials available to students for free at public schools could potentially help girls to stay in class and engaged in educational activities.

The Department respectfully requests the following amendment to Section 3 of HB 2430 to make feminine hygiene products available to students for free on all public school campuses.

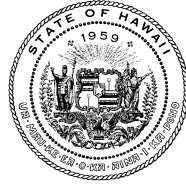
Page 2 line 16 amended to read: public ~~secondary~~ school campuses.

Thank you for the opportunity to provide testimony on this measure.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).



**DAVID Y. IGE**  
GOVERNOR  
**JOSH GREEN M.D.**  
LT. GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF TAXATION**  
P.O. BOX 259  
HONOLULU, HAWAII 96809  
PHONE NO: (808) 587-1540  
FAX NO: (808) 587-1560

**RONA M. SUZUKI**  
DIRECTOR OF TAXATION  
**DAMIEN A. ELEFANTE**  
DEPUTY DIRECTOR

**LATE**

To: The Honorable Justin H. Woodson, Chair;  
The Honorable Mark J. Hashem, Vice Chair;  
The Honorable Sean Quinlan, Vice Chair;  
and Members of the House Committee on Lower & Higher Education

From: Rona M. Suzuki, Director  
Department of Taxation

**Re: H.B. 2430, Relating to Feminine Hygiene Products**

Date: Thursday, February 6, 2020

Time: 2:10 P.M.

Place: Conference Room 309, State Capitol

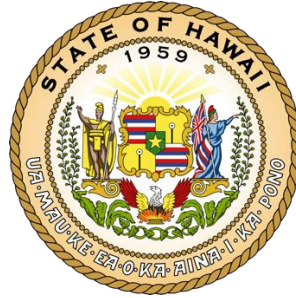
The Department of Taxation (Department) appreciates the intent of H.B. 2430 and offers the following comments.

Section 2 of H.B. 2430 adds a new section to chapter 237, Hawaii Revised Statutes, exempting all of the gross proceeds arising from the sale of feminine hygiene products from the general excise tax. Section 2 of this measure is effective on October 1, 2020.

The Department respectfully requests that this measure be made effective for gross receipts received on or after January 1, 2021. Moving the effective date out to January 1, 2021 will allow the Department sufficient time to make the necessary form and computer system updates.

Thank you for the opportunity to provide comments.

**LATE**



‘O kēia ‘ōlelo hō’ike no ke  
**Komikina Kūlana Olakino o Nā Wāhine**

Testimony on behalf of the  
**Hawai‘i State Commission on the Status of Women**

Prepared for the House Committee on LHE

In Support of HB2430  
February 6, 2020, at 2:10 p.m. in Room 309

Dear Chair Woodson, Vice Chair Hashem & Quinlan, and Honorable Members,

The Hawai‘i State Commission on the Status of Women writes in **support** of HB2430, which would exempt menstrual products from the GET. The bill also appropriates funds to DOE to make menstrual products available to students for free on public secondary school campuses.

Menstruation is a basic, involuntary bodily function yet menstrual products are not considered as a necessity and are classified by the IRS as a non-medical device. Lack of supports for menstruation are a reflection of the secondary status of women. This is not a Third World issue. Menstrual products are not fully accessible to sizeable portions of the U.S. population. No one should have to choose between food or resources to manage her period, but this is a monthly reality for the majority of low-income women in the United States.

The lack of access to feminine hygiene products reduces equal opportunity for women and girls through lost classroom time and compromised health due to infection from improvised pads and tampons.<sup>1</sup> To address “menstrual inequity,” New York, Illinois and California have made menstrual products freely available to 6-12 grade students in public schools. Fifteen states no longer tax menstrual products.

The lack of access is particularly degrading and dehumanizing for women in correctional facilities. Despite DPS policy that guarantees access to both tampons and pads, the Commission has received direct testimony that incarcerated women in Hawai‘i face a degrading lack of access to tampons and sufficient pads.

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<sup>1</sup> Weiss-Wolf, J. *The ERA Campaign and Menstrual Equity*, 43 Harbinger 168, 2019.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ \_\_\_\_\_ or so much thereof as may be necessary for fiscal year 2020-2021 to make feminine hygiene products available to students for free on public secondary school campuses and female prisoners in state correctional facilities.

Accordingly, the Commission respectfully urges the Committee to pass HB2430.

Sincerely,

Khara Jabola-Carolus



**LATE**

**HIPHI Board**

Michael  
Robinson, MBA, MA  
Chair  
Hawaii Pacific Health

JoAnn Tsark, MPH  
Secretary  
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Medicine, Native Hawaiian  
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Debbie Erskine  
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Keawe'aimoku  
Kahalokula, PhD  
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Medicine, Department of  
Native Hawaiian Health

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William S. Richardson School  
of Law

Bryan Mih, MD, MPH  
John A. Burns School of  
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Pediatrics

Rachel Novotny,  
PhD, RDN, LD  
University of Hawaii at Manoa,  
College of Tropical Agriculture  
and Human Resources

Garret Sugai  
Kaiser Permanente

Catherine Taschner, JD  
McCorriston Miller Mukai  
MacKinnon LLP

Date: February 5, 2020

To: Representative Justin H. Woodson, Chair  
Representative Mark J. Hashem, Vice Chair  
Representative Sean Quinlan, Vice Chair  
Members of the Lower and Higher Education Committee

Re: Support for HB 2430, Relating to Feminine Hygiene Products

Hrg: February 6, 2020 at 2:10 pm at Conference Room 309

The Hawai'i Public Health Institute<sup>i</sup> is in **Support of HB 2430**, which exempts feminine hygiene products from the general excise tax and provides funding for the Department of Education to make feminine hygiene products available for free on public school campuses.

Menstrual equity is a public health issue. Lack of access to feminine hygiene products can cause women to reuse products or wear them for too long, which can lead to infection. These infections can increase their risk for serious health problems, such as cervical cancer or infertility.

Eliminating the general excise on feminine hygiene products and providing free products at schools are policies that will increase access and promote menstrual equity. Exempting medical necessities, such as feminine hygiene products, offsets the regressive nature of sales taxes and will decrease the financial burden for many women. Offering free, quality menstrual products at schools will help to ensure that girls do not miss school due to lack of access.

Thank you for the opportunity to provide testimony.

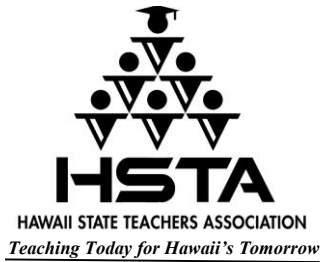
Mahalo,

A handwritten signature in black ink that reads 'Jessica Yamauchi'.

Jessica Yamauchi, MA  
Executive Director

<sup>i</sup> Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.





1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org



Corey Rosenlee  
President  
Osa Tui, Jr.  
Vice President  
Logan Okita  
Secretary-Treasurer  
Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
LOWER AND HIGHER EDUCATION

RE: HB 2430 - RELATING TO FEMININE HYGIENE PRODUCTS

THURSDAY, FEBRUARY 6, 2020

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

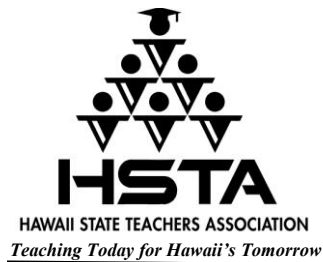
Chair Woodson and Members of the Committees:

The Hawaii State Teachers Association **strongly supports HB 2430** which promotes menstrual equity by providing an exemption from the GET, beginning October 1, 2020, for the sale of feminine hygiene products in the State and appropriates funds to the DOE to make feminine hygiene products available to students for free on public secondary school campuses.

**Taxing feminine hygiene products is a form of discrimination because it only applies to people who menstruate.** Therefore, this tax is unconstitutional because it treats individuals differently based solely on their gender. In many states lip balm, dandruff shampoo, Rogaine, and even Viagra are sales-tax exempt while feminine hygiene products are not. In fact, feminine hygiene products continue to be taxed in 31 states including Hawaii.

Nevertheless, the tide is turning on this issue; several states have taken action to create a tax exemption on these products including Connecticut, Florida, Illinois, Maryland, Massachusetts, Minnesota, New Jersey, New York and Pennsylvania. And, just a day ago on February 5<sup>th</sup>, 2020, the Virginia State Senate unanimously passed a bill to "provide that menstrual cups and pads, pantyliners, sanitary napkins, tampons, and other products used to absorb or contain menstrual flow shall be fully exempt from sales and use tax." It is time that Hawaii also exempt feminine hygiene products from the taxation.

**We must also move towards providing free feminine hygiene products in secondary school bathrooms.** Again, many states are moving in this direction or have already implemented such legislation. In July 2019 New Hampshire Governor



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Corey Rosenlee  
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Vice President

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Secretary-Treasurer

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Executive Director

Chris Sununu signed into law legislation to provide feminine hygiene products in secondary school bathrooms. **By providing these products for our middle and high school students we will promote gender equity in our schools as well as ensure that girls from lower income homes do not miss out on their education simply because their families can't afford to buy these products. Additionally, making these products accessible in bathrooms will help prevent the embarrassment girls face of having to try to hide their sanitary pads or tampons to avoid the attention of male classmates while heading to the restroom or the struggle of trying to find a feminine hygiene product from a classmate or teacher when their period comes unexpectedly.**

To increase gender equity in our state and schools and to ensure access to feminine hygiene products regardless a student's financial situation, the Hawaii State Teachers Association urges you to **support** this bill.

**LATE**

**HB-2430**

Submitted on: 2/5/2020 4:35:14 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S Freed	Individual	Support	No

Comments:

**LATE**

**HB-2430**

Submitted on: 2/5/2020 5:32:22 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sherry Alu Campagna	Individual	Support	No

Comments:

Please end the "Pink Tax". It's pure gender discrimination.

**LATE**

**HB-2430**

Submitted on: 2/5/2020 5:53:02 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall	Individual	Support	Yes

Comments:

**LATE**

**HB-2430**

Submitted on: 2/5/2020 6:34:23 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Vickie Parker Kam	Individual	Support	No

Comments:

Aloha

My name is Vickie Kam and I am a middle school teacher. This is the time of life when young woman begin their menstruation journey. It is awkward and confusing and mistakes are made. I am in strong support of HB2430 as this would provide a stable safety net of supplies for young woman just learning how to manage this process.

Thank you for hearing this bill and please support HB2430.

Mahalo

**LATE**

**HB-2430**

Submitted on: 2/5/2020 6:42:48 PM  
Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Greg Puppione	Individual	Support	No

Comments:

This feels like a no-brainer. The 'pink tax' is very real and very unfair. This is small, but important, step in a very positive direction. I would hope that everyone supports this measure. Thank you.

**LATE**

**HB-2430**

Submitted on: 2/5/2020 7:33:24 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cynthia Reves	Individual	Support	No

Comments:

I am a public high school teacher.



**LATE**

Aloha LHE Committee,

February 6, 2020

My name is Sarah Milianta-Laffin and I teach STEM Lab at 'Ilima Intermediate in Ewa Beach. On my campus, I sponsor the campus GSA (Gender Sexuality Alliance), a club for students who identify as LGBTQ+ (lesbian, gay, bisexual, trans, queer, etc) or as allies of these students. My students worked with Representative Amy Perruso's office to give ideas for HB 2430. I deeply wish I could be there to testify in person with my students, but I'm off island at a conference. It is possible that a few of my students may attend. At the bottom on my testimony you will

After a student had an embarrassing incident bleeding through their clothes during the school day, my students began discussions about menstrual equity on campus. Our GSA began running a service learning project collecting pads and tampons and making a "Menstruation Station" where students can pick up items as they need them. We went through 300 kits in 3 months. It was revealed that it's common practice for HIDOE nurses to charge students to get a pad. Ilima is a Title 1 campus where over 50% of students get free lunch; these aren't students who have money on hand. New ACLU research indicated that Title 1 students can miss 3-5 days per year if they don't have hygiene supplies. Thankfully, the wonderful charity "I Support the Girls - Hawaii" has supplied us with more kits, but we're quickly running out.

Since starting the "Menstruation Station" at Ilima, I've heard many stories from students that let me know this was a huge issue. On an average day, I give out 3-5 kits. We have students in foster care who don't want to "bother" their foster parents by asking for supplies. We have students with moms deployed who don't know how to talk to dad about getting pads. We have the EA's (teacher's aids) from the FSC (life skills) classes coming to get supplies for special needs students. We have trans students who come and borrow my staff bathroom key to use the pads. Girls have shared the items they have tried to "make pads" out of including socks, paper towels, and tissues. More than one student shared that they've tried to "wring out" pads to use them longer - a practice that could make them sick. And we have general middle schoolers with unpredictable cycles who often are unprepared for a period.

I believe that free, and comfortable menstrual supplies are critical for the academic success of half our population, and I support HB 2430. I urge your committee to please do the same.

Mahalo,  
Sarah "Mili" Milianta-Laffin  
STEM Lab Teacher, Ilima Intermediate School

PS: To see our class work, check us out on social media: (Twitter/Insta @MiliLaff & Class Page @STEMwithMili)

## **Statements in Support of HB 2430 by Ilima Intermediate Students**

The following statements come from members of the Ilima Intermediate Students in the Gender Sexuality Alliance (GSA) Club, and our 21st Century funded “Activist Club.”

In summary, students want the HDOE or schools to be required to stock menstrual supplies for any students who need them, free of charge. This can be done through free machines in the restrooms, stocks in the nurse's office, or a kit that the nurses can give out to all teachers to ensure every classroom has menstrual supplies.

Sarah Milianta-Laffin  
Faculty Sponsor of GSA & Activist Club  
Ilima Intermediate School

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“As a person who experiences periods, I believe that we should be provided free sanitary products at school. As one of the leaders of the Gender-Sexuality Alliance and Activist Club, I can tell you we all agree. Free menstrual projects would create a better learning environment for everyone who experiences menstruation in our schools.

This would be an immense help. It could eliminate both the stigma against talking about menstruation, and also the fear of being without pads at school. As a trans student, these fears are even larger for me.

My teacher, Mrs. Mili, gives me her keys after school so I can safely and comfortably use menstrual products at school. In September 2019, the GSA and Activist Club worked to make a station where people could take menstrual products if they needed. Sometimes I take a care package from our station, since often I don't expect my period or come prepared. We've given out more than half of the packages we've made in around 2 months.

This fact shows that we need the products.

The GSA and Activist Club cannot keep supplying the station we already have, because we don't have enough money to do so. By supplying menstruation products for free at schools, in the nurse's office, and in the bathrooms, it will become easier for people to get what they need.

A large number of absences have been traced back to menstruation problems. Often times, the people who menstruate cannot afford pads, or clean their stained clothes, making them embarrassed. So their solution is to stay home from school. It may add up, leaving them behind in school, and causing many problems.

By giving schools and students free pads, this can be eliminated, and schools will be one step closer to being accessible to everyone. We must add Hawai'i to the list of states providing free menstruation products to its students. We need free menstrual products in the nurse's office and in the bathroom, so that anyone who needs them can easily receive them. Please support HB 2430.



Mahalo for Reading,  
D Prymer  
Ilima Intermediate 8th Grader

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“If people who bleed don't have what they need to make it through a school day, then we're really not all equal. Even though I'm a boy who doesn't bleed, I want my female and trans friends to have what they need to be comfortable to learn at school.

Boys should know about menstrual cycles and support girls so they don't feel ashamed about something totally normal. Schools can help by paying for period supplies. Please support HB 2430.”



Gabe Tucci-Rugg  
Ilima Intermediate 7th Grader

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“If boys had periods, schools would probably already have pads for them. Schools tend to supply what boys need but not what girls need. Real men support and respect women no matter what. We need to prove that we understand their struggles by manning up and making it mandatory that schools buy menstruation supplies for students who need them. Support HB 2430.”



Jaimes T. Steele  
Ilima Intermediate 8th Grader

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“Girls have rights to bleed comfortably. They need pads for when they have periods. I am a boy and I have girl friends who have been ashamed for bleeding in their clothes. I have no problem with girls that are on their period, but the school should support them with supplies. We should all support each other and HB 2430 helps that.”

Samuel Plunkett  
Ilima Intermediate 7th Grader

---

“In school, when I’m on my period, I just have to deal with it. You can feel yourself bleeding through your clothes but you just have to wait if it’s a male teacher. If it’s a female teacher they might be able to help you, but not everyone will. Pads are expensive and teachers don’t make much money.

Teachers should not have to buy pads for kids. The schools should buy them to keep girls and people who bleed in schools. They tell us all the time that attendance is important - well if it is - they should supply the stuff to keep us comfortable and here.

In Boston they learned that 1 in 5 girls skip school because not having pads. The city decided to buy them for the schools. Our state should do the same. This bill helps. Please pass HB 2430.”



Sherleen Joyce Brion  
Ilima Intermediate 8th Grader

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“Not having pads provided in school sucks because girls like me don’t always know when our periods are coming. Some girls are in foster care and are afraid to say they need pads. The school gives us pencils when we don’t have a pencil, it should be the same for pads.

The nurse gives each teacher a small bag with bandaids. If the government bought pads and gave them to the nurse, she could give them to the teachers to have extra if anyone needs them. And if its a money thing, if you pass HB 2430 it fixes the issue.”



Ashanti Riparip  
Ilima Intermediate 7th Grader

**LATE**

**HB-2430**

Submitted on: 2/5/2020 8:45:15 PM  
Testimony for LHE on 2/6/2020 2:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Howe	Individual	Support	No

Comments:

Jennifer Howe  
Honolulu, HI 96822  
February 5, 2020

Dear LHE Committee,

My name is Jennifer Howe and I am a Hawai'i resident. I am testifying in my capacity as an individual. I urge you to support HB 2430 to help provide free, quality menstrual products to public school students and ending the "pink tax." By supporting this bill, you show that you care about providing basic healthcare and safety to the public school students in Hawai'i who currently suffer from inadequate access to menstrual products.

Menstrual products are essential to reproductive health and should be deemed as such. Just as we all expect toilet paper and paper towels to be readily available in public restrooms, we can and should expect the same of menstrual products. Menstruation is a natural occurrence, experienced by over half the population throughout their lives, and should not be treated differently. HB 2430 recognizes that access to menstrual products is integral to health and safety.

For your reference, here are some of the challenges people who cannot access menstrual products face:

- Medical Consequences: Lack of access to menstrual products can cause physical infection and disease and can lead to cervical cancer.

- Civic Consequences: People who lack access to menstrual products may choose not to attend school in order to avoid having to use products incorrectly or wear stained articles of clothing in public. People who menstruate deserve to participate fully in public life, and therefore they deserve access to menstrual products.

I care about access to menstrual products because students deserve dignity at school. The lack of access to these products is one reason why the stigma surrounding this natural and necessary process continues.

I urge you to support HB 2430 to help improve the lives of public school students and consumers in Hawai'i. I welcome you to contact me with any additional questions you may have.

Sincerely,

Jennifer Howe

**LATE**

**HB-2430**

Submitted on: 2/5/2020 9:22:38 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christina Torres	Individual	Support	No

Comments:

Aloha,

My name is Christina Torres and I'm an eighth-grade English teacher. As an educator, I strongly support the bill to make menstrual products available to our students.

Supporting this bill is not only a strong support of women and other people who have menstrual cycles, but is essential to help close the detrimental gap between classes.

Menstrual products are not simply a woman's issue or even simply a "hygiene" issue, but are a health and safety issue. It's not simply an issue of "comfort." Not having access to clean, quality menstrual products increase not only the likelihood of infections, but the likelihood of cervical cancer for those experiencing their menstrual cycles. Forcing students to use old, soiled products or use "improvised" methods such as toilet paper, newspaper, or tissue and expecting them to continue to sit and learn is a frankly barbaric practice, and avoiding that means that some students will stay home rather than deal with the pain and stress of not having enough products. This is something that we can help erase by funding access to quality resources for our students.

Because Hawai'i is still one of 31 states that has a tax on menstrual products, it increases the likelihood that students coming from economically difficult backgrounds will struggle to obtain the proper menstrual products they need in order to stay healthy. Beyond the health factors raised in this bill, providing support will help ensure that students who experience their menstrual cycles have the resources they need to stay in school and learn to the best of their ability. Just as we provide meals or other supplies to our students in need, we should also provide menstrual products for our students as well.

I urge you to support HB 2430 to help improve the lives of public school students and consumers in Hawai'i. Please contact me with any additional questions you may have.

With aloha,

Christina Torres

christinaetorres@gmail.com





**LATE**

**HB-2430**

Submitted on: 2/5/2020 11:48:55 PM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Matson	Individual	Support	No

Comments:

Women and girls from all backgrounds deserve equal access to education and it has been shown in numerous studies that when women are menstruating and do not have reliable access to sanitary pads and tampons they will choose to skip school to avoid possible leaking or embarrassment in public. Female products are already marked-up more than the same product being marketed towards males in many cases, please help eliminate further discrimination by supporting this bill to help level the playing field. These are basic and necessary products for sanitation and hygiene- please help ensure that even those low-income women who need access to these products are able to obtain them without additional taxes. Mahalo!

**LATE**

**HB-2430**

Submitted on: 2/6/2020 7:30:24 AM

Testimony for LHE on 2/6/2020 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eileen Carr	Individual	Support	No

Comments:

Eileen T. Carr

2646 Myrtle St.

Honolulu, HI 96816

Thursday, February 6, 2020

Dear LHE Committee,

My name is Eileen Carr and I am a Hawai'i resident. I urge you to support HB 2430 to help provide free, quality menstrual products to public school students, and end the "pink tax." By supporting this bill, you show that you care about providing basic healthcare and safety to the public school students in Hawai'i who currently suffer from inadequate access to menstrual products.

Menstruation is a natural occurrence, experienced by over half the population throughout their lives, and should not be treated differently. HB 2430 recognizes that access to menstrual products is integral to health and safety. As many of you know and experience, menstruation is a monthly event that entails both financial and emotional costs. All women who menstruate must pay the cost of pads and sanitary napkins to prevent bloodstains on their clothing and furniture. Additionally, they might spend time cleaning blood from clothes and sheets and managing menstruation-related pain, all while pretending everything is fine at the risk of alienating a menstruation-shy society. Women therefore end up spending over 20 years of their lives, from puberty to adulthood, disguising nature.

Menstrual products are essential to reproductive health and should be deemed as such. Just as we all expect toilet paper and paper towels to be readily available in public restrooms, we can and should expect the same of menstrual products.

For your reference, here are some of the challenges people who cannot access menstrual products face:

- Medical Consequences: Lack of access to menstrual products can cause physical infection and disease and can lead to cervical cancer.
- Civic Consequences: People who lack access to menstrual products may choose not to attend school in order to avoid having to use products incorrectly or wear stained articles of clothing in public. People who menstruate deserve to participate fully in public life, and therefore they deserve access to menstrual products.

I urge you to support HB 2430 to help improve the lives of public school students and consumers in Hawai'i. I welcome you to contact me with any additional questions you may have.

Sincerely,

Eileen Carr

**LATE**

**LATE**

**HB-2430**

Submitted on: 2/6/2020 9:57:25 AM  
Testimony for LHE on 2/6/2020 2:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Vania Reyes	Individual	Support	No

**Comments:**

My name is Vania Reyes and I am a former Hawaii public school teacher. When you work with middle school students, you quickly realize that education and student growth goes beyond the classroom. To truly support a student and their success, you need to be mindful of their emotional and physical needs, not just academics.

Many of the students in Hawaii live at or below the poverty level. While I taught we were mindful to never require expensive school supplies for our students, because it might hinder their success in the classroom. Hawaii public school teachers will gladly give their students everything they need to achieve, from pencils to notebooks, to, yes, even feminine hygiene products. Several teachers, including myself, would keep a stash of pads and tampons available for their female students. If we were out, the students would only have 2 choices: go to the office to purchase a pad, or bleed throughout the school day.

I can only speak of my experience at my former school, but the office or health room would charge our students \$0.25 for each feminine hygiene product. While I understand their intention to offset their health room budget, if the student didn't have money that \$0.25 would become a debt against their name that would keep them from participating in extracurricular activities, school events, field trips, and even walking in commencement at the end of the year.

We do not charge public school students for bandaids, ice packs, facial tissues, hand sanitizer, soap, paper towels, or toilet paper. We understand that they need these basic supplies to thrive at school and budget accordingly at state and school levels to provide for our students.

We need to give the same regard to our female students. Many of them come from low-income homes where their guardians may not be able to afford feminine hygiene products that month. Several of my students were in foster care and with all the transitions happening in their life, their menstrual health is sometimes the last thing on their mind.

We need to empower our female students and support them not just academically. By providing them with the basics in feminine hygiene we ensure more success for them in the classroom and in life.