

JAN 20 2023

A BILL FOR AN ACT

RELATING TO MENSTRUAL PRODUCTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii has the
2 highest cost of living in the nation. Families in the State
3 struggle to remain economically secure due to a combination of
4 rising costs and stagnant wages. Particularly concerning are
5 the findings from a 2022 Aloha United Way report titled *ALICE in*
6 *Hawai'i: 2022 Facts and Figures*. "ALICE" refers to households
7 that are characterized as Asset Limited, Income Constrained,
8 Employed. According to the report, the number of Hawaii
9 households that are struggling to make ends meet reached a new
10 high in 2022, at forty-four per cent of households in the State.
11 Equally concerning, more than one in seven households, or
12 fifteen per cent of households in the State, have income below
13 the federal poverty level, which represents a sharp increase
14 from nine per cent in 2018.

15 The legislature also finds that persons who struggle to
16 meet their basic needs are likely to be impacted by "period
17 poverty", which refers to a systemic lack of access to menstrual



1 products such as pads and tampons. Period poverty and the
2 broader issue of menstrual inequity are silent threats to
3 menstrual health, and thereby affect overall general health and
4 well-being. These threats have serious ramifications at the
5 individual and societal levels, including detrimental impacts on
6 public health, gender equality, mental health, access to
7 education and work, and the ability to provide for one's basic
8 needs.

9 The legislature further finds that period poverty and
10 menstrual inequity result directly from socioeconomic, gender,
11 and racial injustices, as recognized in the November 2021 report
12 co-authored by the Hawaii state commission on the status of
13 women and Ma`i Movement Hawai`i. The report included survey
14 data revealing the extent of period poverty in the State.
15 According to the report, Hawaii's "exceptionally high cost of
16 living and wage gap for women specifically exacerbate period
17 poverty in Hawai`i" Ninety per cent of survey
18 respondents believed that menstrual products are "expensive".
19 Further, nearly thirty per cent of respondents reported that
20 they or a household member experienced difficulty obtaining
21 menstrual products, with cost being the most cited reason.



1 Moreover, data recently collected in Hawaii by the United
2 States Census Bureau for the Household Pulse Survey--which
3 examines the social and economic impacts of the pandemic on
4 households nationwide--is even more concerning. During one
5 recent data collection period, 43.8 per cent of Hawaii
6 households responding to the survey reported having difficulty
7 paying for usual household expenses in the last seven days.
8 Seventy per cent of these respondents were female. With respect
9 to households having an income of less than \$34,999, eighty-nine
10 per cent of responding households reported that it has been
11 "somewhat difficult" to pay for usual household expenses and
12 more specifically, thirty-seven per cent found it "very
13 difficult" to do so. Even at the higher income bracket of
14 \$100,000 to \$149,999, fifty-four per cent of responding
15 households reported having difficulty paying for usual household
16 expenses. Viewed within this context, the ongoing need to
17 purchase menstrual products, which lasts an average of forty
18 years for a menstruating person, consumes a disproportionate
19 amount of the menstruating person's financial resources relative
20 to a non-menstruating person having the same income. As a
21 result, menstrual products--a basic necessity akin to toilet



1 paper, hand soap, and other personal hygiene products--are
2 economically out of reach for a growing number of menstruating
3 girls, women, and gender-diverse people.

4 The legislature recognizes the financial burden associated
5 with menstruation when the lack of economic relief or easily
6 accessible aid threatens the livelihood of menstruating persons.
7 The legislature believes that the provision of free menstrual
8 products in public buildings would reduce health risks,
9 alleviate the burden of period poverty, and protect the dignity
10 of all menstruating people. Further, the legislature believes
11 that establishing wider access to free menstrual products would
12 help to ensure more inclusive and equitable access to public
13 facilities, reduce barriers faced by residents and visitors to
14 state buildings in meeting basic needs, and promote greater
15 menstrual equity in the State.

16 Accordingly, the purpose of this Act is to ensure that
17 members of the public, regardless of their gender or biology,
18 have access to essential hygiene products that support public
19 health, by requiring the department of accounting and general
20 services to provide menstrual products at no cost in specified
21 restrooms of public buildings maintained by that department.



1 SECTION 2. Section 26-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§26-6 Department of accounting and general services.** (a)

4 The department of accounting and general services shall be
5 headed by a single executive to be known as the comptroller.

6 (b) The department shall:

- 7 (1) Preaudit and conduct after-the-fact audits of the
8 financial accounts of all state departments to
9 determine the legality of expenditures and the
10 accuracy of accounts;
- 11 (2) Report to the governor and to each regular session of
12 the legislature as to the finances of each department
13 of the State;
- 14 (3) Administer the state risk management program;
- 15 (4) Establish and manage motor pools;
- 16 (5) Manage the preservation and disposal of all records of
17 the State;
- 18 (6) Undertake the program of centralized engineering and
19 office leasing services, including operation and
20 maintenance and lease buyback processing pursuant to



- 1 subsection (d) of public buildings, for departments of
2 the State;
- 3 (7) Undertake the functions of the state surveyor;
- 4 (8) Establish accounting and internal control systems;
- 5 (9) Under the direction of the chief information officer,
6 provide centralized computer information management
7 and processing services;
- 8 (10) Establish a program to provide a means for public
9 access to public information and develop an
10 information network for state government;
- 11 (11) Assume administrative responsibility for the office of
12 information practices; and
- 13 (12) Approve state fleet acquisitions; provided that:
- 14 (A) Beginning January 1, 2022, all new light-duty
15 motor vehicles that are passenger cars purchased
16 for the State's fleet shall be zero-emission
17 vehicles;
- 18 (B) Beginning as soon as practicable but no later
19 than January 1, 2030, all new light-duty motor
20 vehicles that are multipurpose passenger vehicles



1 and trucks for the State's fleet shall be
2 zero-emission vehicles; and

3 (C) The comptroller may authorize an exemption for
4 new fleet vehicle purchases if zero-emission
5 vehicles are demonstrated to be cost-prohibitive
6 on a lifecycle basis or unsuitable for the
7 vehicles' planned purpose, or if funds are
8 unavailable.

9 For the purposes of this subsection:

10 "Light-duty motor vehicle" shall have the same meaning as
11 contained in title 10 Code Federal Regulations part 490.

12 "Multipurpose passenger vehicle" shall have the same
13 meaning as contained in title 49 Code of Federal Regulations
14 section 571.3.

15 "Passenger car" shall have the same meaning as contained in
16 title 49 Code of Federal Regulations section 571.3.

17 "Truck" shall have the same meaning as contained in
18 title 49 Code of Federal Regulations section 571.3.

19 "Zero-emission vehicle" shall have the same meaning as
20 contained in title 40 Code of Federal Regulations
21 section 88.102-94.



1 (c) The state communication system shall be established
2 to:

3 (1) Facilitate implementation of the State's distributed
4 information processing and information resource
5 management plans;

6 (2) Improve data, voice, and video communications in state
7 government;

8 (3) Provide a means for connectivity among the state,
9 university, and county computer systems; and

10 (4) Provide a long-term means for public access to public
11 information.

12 (d) The department shall establish, coordinate, and manage
13 a program to facilitate facility agreements between the State
14 and private investors for the sale of facilities, excluding
15 facilities managed or controlled by the department of
16 transportation, to private investors; provided that each
17 facility agreement contains the following requirements:

18 (1) The State shall sell the facility to the private
19 investor, who shall:

20 (A) Renovate, improve, or construct a facility for
21 the State and may maintain the facility; and



1 (B) Lease the facility to the State, pursuant to a
2 building lease;

3 (2) The land upon which the facility rests shall not be
4 sold to the private investor; provided that the land
5 may be leased at a nominal rate to the private
6 investor for a term that would, at a minimum, allow
7 the private investor to recover the capital investment
8 that has been made to the facility, including
9 depreciation; and

10 (3) The State shall have the option of purchasing the
11 facility from the private investor for the remaining
12 balance of the debt service costs incurred by the
13 private investor at any time.

14 For purposes of this subsection:

15 "Building lease" means a contract between the department of
16 accounting and general services and a private investor in which
17 the private investor leases an improved facility to the
18 department for a specified period of time.

19 "Facility" means a building under the management and
20 control of any state department.



1 "Facility agreement" means an agreement between the State
2 and a private investor that, at a minimum, includes a
3 description of the work to be done, the sale price for the
4 facility, the duration of the agreement, the roles and
5 responsibilities of the State and the private investor, and the
6 terms and conditions for the lease.

7 "Private investor" means a nongovernmental entity.

8 (e) The department may adopt rules as may be necessary or
9 desirable for the operation and maintenance of public buildings;
10 for the operation and implementation of a program to provide a
11 means for public access to the State's information network
12 system and public information; and for the implementation of
13 facility agreements pursuant to subsection (d). The rules shall
14 be adopted pursuant to chapter 91.

15 (f) The King Kamehameha celebration commission shall be
16 placed within the department of accounting and general services
17 for administrative purposes. The functions, duties, and powers,
18 subject to the administrative control of the comptroller, and
19 the composition of the commission shall be as heretofore
20 provided by law.



1 (g) The functions and authority heretofore exercised by
2 the comptroller, board of commissioners of public archives, the
3 archivist, the disposal committee, and the insurance management,
4 surplus property management, and central purchasing functions of
5 the bureau of the budget and the nonhighway functions of the
6 department of public works as heretofore constituted are
7 transferred to the department of accounting and general services
8 established by this chapter.

9 (h) The department of accounting and general services
10 shall preserve and protect Washington Place, including the
11 grounds and the historic residence situated on its premises at
12 Miller and Beretania Streets in Honolulu. The department shall
13 administer, manage, operate, and maintain Washington Place and
14 the trust fund created under subsection (i).

15 (i) There is established a trust fund in the state
16 treasury to be known as the Washington Place trust fund, into
17 which shall be deposited:

18 (1) All rents and fees collected for the use of Washington
19 Place and from activities conducted on the premises;

20 (2) All other money received for the fund from any other
21 source; and



1 (3) All income and interest earned or accrued on moneys
2 deposited into the trust fund.

3 All moneys deposited into the trust fund shall be expended
4 by the department of accounting and general services and used
5 exclusively to implement the provisions of subsection (h),
6 including for staff salaries and fringe benefits, and shall not
7 be transferred, nor subject to transfer, to the general fund or
8 any other fund in the state treasury.

9 (j) The department of accounting and general services
10 shall:

11 (1) Maintain a stock of menstrual products, free of
12 charge, in each covered restroom of each covered
13 public building; and

14 (2) Install in each covered restroom of each covered
15 public building a dispenser or similar device for the
16 provision of free menstrual products. To ensure
17 access for all menstruating people, if a covered
18 public building has no gender-neutral restroom, the
19 department shall provide free menstrual products in at
20 least one men's restroom of that covered public
21 building and place signage in the remaining men's



1 restrooms of that covered public building to indicate
2 the location of free menstrual products.

3 The provision of free menstrual products under this subsection
4 shall be implemented in phases beginning no later than
5 December 31, 2023. The first phase shall focus on covered
6 restrooms having the greatest need for free menstrual products,
7 as determined by the comptroller, and shall include covered
8 restrooms located in public libraries. Subsequent phases of
9 implementation in remaining covered public buildings shall begin
10 no later than December 31, 2024.

11 For purposes of this subsection:

12 "Covered public building" means a state building under the
13 jurisdiction of the department of accounting and general
14 services that is open to the public and contains a public
15 restroom; provided that the term does not include state parks.

16 "Covered restroom" means every women's restroom and every
17 gender-neutral restroom of a covered public building.

18 "Menstrual products" means disposable menstrual pads and
19 tampons that conform to applicable industry standards."

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so much



1 thereof as may be necessary for fiscal year 2023-2024 and the
2 same sum or so much thereof as may be necessary for fiscal year
3 2024-2025 for the stocking of free menstrual products and
4 installation of dispensers or other devices therefor in
5 accordance with the requirements of section 2 of this Act.

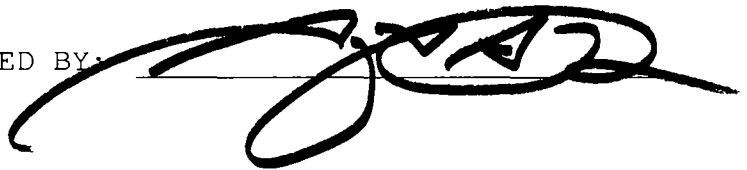
6 The sums appropriated shall be expended by the department
7 of accounting and general services for the purposes of this Act.

8 SECTION 4. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2023.

10

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher, but appears to be a name starting with 'J' and ending with 'D'.

S.B. NO. 891

Report Title:

Menstrual Equity; Menstrual Products; Department of Accounting and General Services; Public Buildings; Restrooms; Appropriation

Description:

Requires the Department of Accounting and General Services to provide menstrual products at no cost in specified restrooms of public buildings maintained by that department. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

