



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

HB0498 - Establish a Menstrual Equity Act (Kerr-Carpenter, Emma)

Status: As Introduced

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>
Expenditures:				
General Fund	\$284,617	\$284,617	\$288,886	\$293,220
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$284,617)</u>	<u>(\$284,617)</u>	<u>(\$288,886)</u>	<u>(\$293,220)</u>

Description of fiscal impact: HB 498 prohibits retail establishments from limiting or restricting the sale of menstrual products under the Montana Consumer Protection Act. HB 498 requires the Department of Public Health and Human Services to make menstrual products available in a quantity sufficient to meet needs to individuals in schools and in homeless shelters. The department shall distribute menstrual products on a regular basis to each public school and to operators of homeless shelters in a quantity identified by the school or shelter. The department shall furnish copies of regulations prescribing the requirements for school site, water supply, sewage and waste disposal and any other matters pertinent to the health and well-being of the pupils, teachers, and others who frequent school. HB 498 further requires each correctional facility in the state to provide no-cost menstrual products to defendants and offenders.

FISCAL ANALYSIS

Assumptions:**Department of Public Health and Human Services (DPHHS)**

1. According to the U.S. HHS Office of Women's Health, the average age for a girl in the United States to get her first period is 12. The number of menstruating children in Montana public schools is estimated to be 44,500 based on these data (half the number of total students grade 5 and up). According to the Office of

Public Instruction, 14% of students are reported to be from households at or below 100% of the federal poverty level and 39% of students qualify for the Free or Reduced School Meal program. Based on this, it is assumed 25% of the female students grade 5 and up would utilize this service (median of 14% and 39%), so 11,125 students are estimated to need products (44,500 female students x .25 = 11,125). Assuming students are attending school 8 hours per day, menstrual products are changed every 3 hours for 4.5 days, and the school year is 10 months long, each student utilizing the service would need 135 products per year (3 products x 4.5 days x 10 menstruation cycles = 135 products). The total cost would be \$255,318.75 for 11,125 students (11,125 students x 135 products x \$0.17 cost per item = \$255,318.75).

2. According to the HUD 2022 Continuum of Care Homeless Assistance Programs Homeless Population and Subpopulations, the estimated total number of females in shelters is 545 per day. The average age for menopause in adult women is 52. 10% of the total female population was excluded in the calculation, as they are assumed to be below age 12 or above age 52. The number of menstruating women in Montana shelters each day is estimated to be 491 (545 women x 90% aged 12-52 years = 491). Assuming women experiencing homelessness are utilizing facilities 24 hours per day, product is changed every 3 hours for 4.5 days, and the average amount of women in facilities is the same year-round, each woman would need 351 products per year (6 products x 4.5 days x 13 menstruations = 351 products). The total cost would be \$29,297.97 for 491 women (491 women x 351 products x \$0.17 cost per item = \$29,297.97).
3. Menstrual pads and tampons would be purchased through a state term contract with a vendor and shipped to each location requesting items. Items cost \$0.17 each, and shipping would be no cost through the term contract.
4. The schools and shelters would provide their own distribution system in all restrooms used by female students and residents.
5. The department estimates an existing Public Health and Safety Division nurse consultant would coordinate the purchasing and distribution of the menstrual products on a regular basis.
6. Additionally, the department estimates 40-80 hours of an existing Public Health and Safety Division staff during the rule writing process. Participation of the staff is necessary to ensure the regulatory language will result in appropriate regulations for the school site, water supply, sewage and waste disposal, and any other matters pertinent to the health and well-being of the pupils, teachers, and others who frequent school.
7. An inflation factor of 1.5% per year is applied for FY 2026 and FY 2027.
8. Private schools are not included in the calculations.

Department of Corrections (DoC)

9. Section 5 of HB 498 requires each correctional facility to have a written policy and procedure for providing menstrual products at no cost to a defendant or offender, upon admission to the facility, monthly, or upon request. The written policy must specify how the menstrual products will be made available to individuals who are unable to access the products in general population areas. The facility must have a supply of menstrual products sufficient to meet the needs of the facility's population at all times.
10. Section 6 requires a correctional facility to provide copies of the policy and procedure to inmates and to post the policy and procedure in any area of the facility where notices are commonly posted, in common housing areas, and in medical care units.
11. The department already provides menstrual products at no cost to inmates as the current practice. Providing the policy to inmates as instructed by the bill can be done using current resources. Therefore, there will be no fiscal impact to DoC.

Department of Justice

12. Section 4 of the bill prohibits retail establishments from prohibiting or limiting the sale of menstrual products to the public.
13. A violation would be addressed by the Office of Consumer Protection. It is unknown how many claims may be filed related to assertions that a retail establishment prohibited or limited the sale of menstrual products, but it is assumed that there would be a small number of claims that could be addressed with existing resources.

	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	\$284,617	\$284,617	\$288,886	\$293,220
TOTAL Expenditures	\$284,617	\$284,617	\$288,886	\$293,220
<u>Funding of Expenditures:</u>				
General Fund (01)	\$284,617	\$284,617	\$288,886	\$293,220
TOTAL Funding of Exp.	\$284,617	\$284,617	\$288,886	\$293,220
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
TOTAL Revenues	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$284,617)	(\$284,617)	(\$288,886)	(\$293,220)

NOT SIGNED BY SPONSOR
Sponsor's Initials _____ *Date* _____


 _____ *Budget Director's Initials* _____ *Date* 2-21-23