

# SENATE CONCURRENT RESOLUTION No. 139

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 30, 2023

**Sponsored by:**  
**Senator M. TERESA RUIZ**  
**District 29 (Essex)**

### **SYNOPSIS**

Urges United States President to expand access to menstrual products in schools.

### **CURRENT VERSION OF TEXT**

As introduced.



SCR139 RUIZ

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1   **A CONCURRENT RESOLUTION** respectfully urging the President of  
2   the United States to expand access to menstrual products in  
3   schools.  
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5   **WHEREAS**, Federal law, specifically Title IX of the Education  
6   Amendments of 1972 (Title IX), prohibits discrimination on the  
7   basis of sex and provides equal access to education in federally  
8   funded schools and programs; and  
9   **WHEREAS**, Though Title IX does not explicitly reference  
10   menstruation, the intent of Title IX is to reduce disparities in  
11   educational equity and opportunity on the basis of sex; and  
12   **WHEREAS**, Title IX should be expanded through interpretation,  
13   regulation, and guidance to provide more comprehensive and robust  
14   protections for individuals who menstruate; and  
15   **WHEREAS**, Expansions of Title IX should ensure a student has access  
16   to adequate toilet facilities, lenient bathroom policies, and  
17   menstrual products in every restroom; and  
18   **WHEREAS**, Title IX is linked to menstruation because of the enormous  
19   impact that access to free and quality menstrual products, and a lack  
20   thereof, has on participation and attendance in educational  
21   programs; and  
22   **WHEREAS**, A lack of access to free menstrual products directly affects  
23   a student's ability to participate in school activities, a student's  
24   ability to attend school, and a student's overall educational  
25   outcomes; and  
26   **WHEREAS**, More than half of all high school aged students who  
27   menstruate are late to school, have to leave school early, or miss the  
28   school day altogether due to a lack of necessary menstrual products;  
29   and  
30   **WHEREAS**, A low-income student may be forced to resort to  
31   alternatives to menstrual products such as toilet paper, paper towels,  
32   diapers, socks, or rags, which can have serious negative health  
33   implications for the student; and  
34   **WHEREAS**, Without access to menstrual products, many low-income  
35   individuals who are menstruating extend the length of time they use  
36   a single tampon or sanitary napkin, thereby risking infection and,  
37   potentially, toxic shock syndrome; and  
38   **WHEREAS**, Expanding the reach of Title IX to provide free menstrual  
39   products in all restrooms may reduce educational disparities on the  
40   basis of sex and reduce menstrual-based harassment in schools; and  
41   **WHEREAS**, Given that providing access to free menstrual products  
42   under Title IX is fundamental to equality, it is altogether fitting and  
43   proper for the Legislature of the State of New Jersey to urge the  
44   President of the United States to expand access to menstrual  
45   products in schools throughout the nation; now, therefore,  
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47   **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*  
48   *General Assembly concurring):*

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1. The Legislature of the State of New Jersey respectfully urges the President of the United States to expand access to menstrual products in schools throughout the nation.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to the President of the United States, Majority and Minority Leaders of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives, and every member of Congress elected from this State.

## STATEMENT

This resolution respectfully urges the President of the United States to expand access to menstrual products in schools throughout the nation.

Title IX of the Education Amendments of 1972 (Title IX), prohibits discrimination on the basis of sex and provides equal access to education in federally funded schools and programs. Though Title IX does not explicitly reference menstruation, the intent of Title IX is to reduce disparities in educational equity and opportunity on the basis of sex. Title IX can be expanded through interpretation, regulation, and guidance to provide more protections for individuals who menstruate.

Period poverty, or the lack of access to menstrual products, hygiene facilities, waste management, and education, affects many school-aged students. More than half of all high school aged students who menstruate are late to school, have to leave school early, or miss school due to a lack of menstrual products. A low-income student may be forced to resort to alternatives to menstrual products such as toilet paper or forced to extend the length of time the student uses a single menstrual product, which may have negative health consequences including infection and toxic shock syndrome.

Expanding Title IX to include free menstrual products in all restrooms may reduce educational disparities on the basis of sex and reduce menstrual-based harassment in schools. . Given that providing access to free menstrual products under Title IX is fundamental to equality, it is altogether fitting and proper for the Legislature of the State of New Jersey to urge the President to expand access to menstrual products in schools throughout the nation as an imperative under Title IX of the Education Amendments of 1972.