



September 2022

ASSEMBLY BILL 367 MENSTRUAL EQUITY FOR ALL ACT

Assembly Bill 367, also known as the Menstrual Equity for All Act, was signed into law in 2021. This Bill is codified in Education Code section 35292.6. Implementation was to begin on or before the start of the current school year. The previous version of the law required certain schools with grades 6 to 12 to provide free menstrual products (pads and tampons) in 50 percent of the schools' restrooms. The previous law did not specify the bathrooms in which the products had to be stocked.

The new version of the law was written in a way to be more inclusive of all students who menstruate. Now all public schools with grades 6 to 12 must stock free menstrual products in every women's restroom, every all-gender restroom, and at least one men's restroom.

The intent of this Bill is to make the products accessible to all students of all genders and regardless of physical ability. With that in mind, schools stocking the men's restroom for school employees only would not be in compliance with this law. Also, choosing the one men's restroom inside the school gym is probably not what the Legislature had in mind either. These are attractive solutions when thinking about potential vandalism and other issues, but they would not be within the spirit of the law. Determining which men's restroom to choose will be a factual determination based on where the restroom is located, how accessible it is, and whether it will be a safe place for the students to access the products. You may decide that stocking more than one men's restroom is best for your students.

Another requirement is to post notices regarding this requirement in a prominent and conspicuous location in each restroom required to stock menstrual products. The notice shall include the text of the law and contact information, including an email and telephone number, for a designated individual responsible for maintaining the products stocked in the restrooms (sample attached).

Please contact our office if you have follow-up questions.

- Kristina Funderburk

Education Law Updates are intended to alert clients to developments in legislation, opinions of courts and administrative bodies and related matters. They are not intended as legal advice in any specific situation. Please consult legal counsel as to how the issue presented may affect your particular circumstances.

[TO BE PLACED ON DISTRICT LETTERHEAD]

AB 367 - Menstrual Equity for All Act of 2021

Education Code Section 35292.6

- (a) On or before the start of the 2022–23 school year, a public school, including a school operated by a school district, county office of education, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, shall stock the school’s restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom.
- (b) A public school described in subdivision (a) shall not charge for any menstrual products provided to pupils.
- (c) A public school described in subdivision (a) shall post a notice regarding the requirements of this section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost, pursuant to this section. This notice shall include the text of this section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.
- (d) For purposes of this section, “menstrual products” means menstrual pads and tampons for use in connection with the menstrual cycle.
- (e) This section shall become operative on July 1, 2022.

The individual responsible for maintaining the requisite supply of menstrual products:

[Name of contact]

[Title of contact]

[Phone number for contact]

[Email for contact]