

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3388
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JANUARY 14, 2022

SUMMARY

Synopsis: Requires school districts to provide feminine hygiene products in certain public schools and requires State to pay costs.

Type of Impact: Annual State expenditure increase.
Annual school district expenditure and revenue increases.

Agencies Affected: Department of Education.
Certain School Districts.

Office of Legislative Services Estimate

Fiscal Impact		<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		\$1.4 million - \$2.4 million	\$1 million - \$2 million	\$1 million - \$2 million
Local Cost Increase		\$1.4 million - \$2.4 million	\$1 million - \$2 million	\$1 million - \$2 million
Local Revenue Increase		\$1.4 million - \$2.4 million	\$1 million - \$2 million	\$1 million - \$2 million

- The Office of Legislative Services (OLS) estimates that this bill would lead to a \$1.4 million to \$2.4 million increase in State expenditures in the first full school year following enactment and a \$1 million to \$2 million increase in State expenditures in each subsequent year. The expenditures would first be incurred by school districts and then reimbursed by the State. The greater costs in the first year reflect the initial purchase of feminine hygiene product dispensers.
- Based on data from the 2019-2020 school year, under the bill, approximately 586 schools across the State would be required to provide free feminine hygiene products in at least 50 percent of the school bathrooms. Total enrollment of female students in grades 6 through 12 in these schools approximated 132,900.

BILL DESCRIPTION

This bill requires school districts to ensure that students in schools educating students in grades 6 through 12, or any combination thereof, in which 40 percent or more of their students reside in households with a household income at or below the most recent federal poverty guidelines

multiplied by 1.85, have direct access to feminine hygiene products in at least 50 percent of the school bathrooms free of charge. Any costs incurred by a school district in complying with the provisions of this bill will be borne by the State.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill would lead to a \$1.4 million to \$2.4 million increase in State expenditures in the first full school year following enactment and a \$1 million to \$2 million increase in State expenditures in each subsequent year. It is likely that the expenditures related to the provision of feminine hygiene products would first be incurred by school districts and then reimbursed by the State.

The OLS bases its estimate on information adopted by the California Commission on State Mandates as part of the Desert Sands Unified School District’s challenge of a similar bill enacted in California. The cost estimate included a detailed breakdown of the costs incurred to comply with the new law. Excluding the labor costs associated with training staff and restocking feminine hygiene product dispensers, California found that the cost per feminine hygiene product was approximately \$0.11 and the cost of installing new feminine hygiene product dispensers was approximately \$2.81 per female student in the first year after enactment.

The State of California determined that the range of feminine hygiene products needed per female student in the course of a school year was between 69 and 138 products, based on guidelines from the Food and Drug Administration and Planned Parenthood. Given this information, the cost to the State of supplying feminine hygiene products would be between \$10.40 and \$17.99 per student in the initial year after enactment, and between \$7.59 and \$15.18 per student in each subsequent year.

Based on the data included in the New Jersey School Performance Reports for the 2019-2020 school year, under the bill, approximately 586 schools across New Jersey would be required to provide free feminine hygiene products in at least 50 percent of the school bathrooms. Total enrollment of female students in grades 6 through 12 in these schools approximated 132,900. Applying the per-pupil costs calculated above, the OLS estimates costs to range from \$1.4 million to \$2.4 million in the first year and from \$1 million to \$2 million in each subsequent year. The range reflects individual variability in product usage per student.

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).