

# Period Equity Now

## Senate Bill 953

Senator Caroline Menjivar (D – San Fernando Valley)

### SUMMARY

SB 953 would add menstrual products to the schedule of covered benefits under Medi-Cal. Specifically, this bill would require that the Department of Health Care Services seek any and all federal waivers to implement coverage for menstrual products under Medi-Cal.

### PROBLEM

Period poverty continues to exist for our most vulnerable communities, which has been further exacerbated by the lived realities of the Covid-19 pandemic.<sup>1</sup> According to the 2023 State of the Period poll, almost a quarter of teens and 1/3 of adults continue to struggle to access period products, as captured in the same survey conducted in 2021.<sup>2</sup> A 2021 survey by U by Kotex found that a quarter of Black and Latinx menstruators struggled to afford period products.<sup>3</sup>

Research shows that the lack of access to menstrual products negatively impacts a menstruating person's physical and mental health. The 2021 U by Kotex survey found that 47% of participants felt embarrassed, and 32% were depressed as a result.<sup>3</sup>

Due to the lack of access to these products, some menstruators have had to resort to unsafe practices, such as wearing their period products longer than the recommended time. According to a study published in Sage Journals, prolonged use and/or the use of makeshift products can lead to severe and deadly health concerns such as skin chafing, disruption of vaginal flora, intravaginal toxin overgrowth, and Toxic Shock Syndrome.<sup>4</sup> The widespread implications of period poverty should be met with urgent action as this issue continues to remain for our most vulnerable communities.

### BACKGROUND

In the last decade, California has taken the lead in addressing menstrual equity with AB 367 (Stats. 2021 Ch. 664), which requires all public schools serving 6th-12th graders, community colleges, and California State Universities to stock restrooms with free menstrual products. Moving the needle further with AB 150 (Stats. 2021 Ch. 82), menstrual products were permanently exempted from taxation. Most recently, AB 1287 (Stats. 2022 Ch. 555) was signed into law, abolishing the pink tax, which prohibits businesses from assigning different prices for identical goods simply because of gender.

The Supplemental Report adopted in the 2023 Budget Act will help California move forward in addressing period poverty and sets the stage for this bill to move forward.<sup>5</sup> The supplemental report of the 2023-24 Budget Act reads as follows:

*On or before May 15, 2024, DHCS shall provide an update to staff in the relevant budget and policy committees of the Legislature and the Legislative Analyst's Office, through a meeting to be conducted at mutually agreed upon times, on potential options to submit a federal Medicaid 1115 waiver to reimburse the cost of period products for Medi-Cal beneficiaries. The update may include a discussion of the following components:*

- *A summary of existing 1115 waivers in other states that cover the cost of period products for Medicaid beneficiaries.*
- *Potential options for California to implement a program to cover the cost of period products for Medi-Cal beneficiaries, with consideration for the different needs of children and adults.*
- *The potential steps and time line for the department to submit a waiver for such a program to CMS.*

<sup>1</sup> [Frontiers | Period poverty and mental health of menstruators during COVID-19 pandemic: Lessons and implications for the future \(frontiersin.org\)](https://www.frontiersin.org/journal/article/10.3389/fpsyg.2023.1111111)

<sup>2</sup> [SOTP-2023.pdf \(period.org\)](https://www.period.org/SOTP-2023.pdf)

<sup>3</sup> [U by Kotex Period Poverty - PPAW Data Set.pdf \(allianceforperiodsupplies.org\)](https://www.allianceforperiodsupplies.org/PPAW_Data_Set.pdf)

<sup>4</sup> [Period Poverty: an Epidemiologic and Biopsychosocial Analysis - Allison R. Casola, Kierstin Lubner, Amy Henderson Riley, 2023 \(sagepub.com\)](https://www.sagepub.com/journalsPermissions.nav?path=/journals/epidemiology-and-biopsychosocial-analysis/article/10.1177/25152459231191111)

<sup>5</sup> [Supplemental Report of the 2023-24 Budget Act \(ca.gov\)](https://www.ca.gov/budget/2023-24-supplemental-report)

- *A multiyear fiscal estimate of the new program, broken out by the cost of services to children and adults.*

#### **SOLUTION**

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SB 953 would move the needle further on addressing period poverty in our state by requiring the Department of Health Care Services (DHCS) to seek the necessary federal waiver to implement Medi-Cal coverage for menstrual products.

By including menstrual products as a necessary medical device, menstruators who are also under Medi-Cal and struggling to purchase these products would be able to access them at no cost to the Medi-Cal recipient.

#### **STATUS**

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**INTRODUCED-JANUARY 22, 2024**

#### **SUPPORT**

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What We All Deserve (WWAD) (Co-Sponsor)  
Alliance for Period Supplies (Co-Sponsor)  
IGNITE (Co-Sponsor)

#### **CONTACT**

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Kimberly Fuentes  
Office of Senator Caroline Menjivar  
(916) 651-4020

