

Date of Hearing: June 20, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

SB 260 (Menjivar) – As Amended May 18, 2023

SENATE VOTE: 33-0

SUBJECT: CalWORKs: aid payments

SUMMARY: Provides that, commencing on April 1, 2025, eligible menstruating California Work Opportunity and Responsibility to Kids (CalWORKs) recipients between 10 and 55 years of age are entitled to \$20 per month for menstrual products. Specifically, **this bill:**

- 1) Establishes that a menstruating person qualified for CalWORKs who is between 10 and 55 years of age is entitled to receive \$20 per month to assist with the necessary menstrual product costs for a person who is menstruating.
- 2) Prohibits the allowance for each family per month from exceeding that amount resulting from multiplying the sum of \$20 by the number of eligible recipients in the family.
- 3) Requires the California Department of Social Services (CDSS) to work with the County Welfare Director's Association of California and the California Statewide Automated Welfare System (CalSAWS) to develop and implement the necessary system changes to implement menstrual product allowance on or before April 1, 2025.

EXISTING LAW:

- 1) Establishes the federal "Temporary Assistance for Needy Families" (TANF) program, which permits states to implement the program under a state plan. (42 United States Code [U.S.C.] 601 *et seq.*)
- 2) Establishes in state law the "CalWORKs" program to provide cash assistance and other social services for low-income families through TANF. Under CalWORKs, each county provides assistance through a combination of state, county and federal TANF funds. (Welfare and Institutions Code Section [WIC] 11120 *et seq.*)
- 3) Establishes income, asset, and real property limits used to determine eligibility for the CalWORKs program, and CalWORKs grant amounts, based on family size and county of residence. (WIC 11150-11160, 11450 *et seq.*)
- 4) Makes a nonrecurring special needs benefit of \$85 per day to families with up to four members for the costs of temporary shelter, and \$15 per day for each additional family member, up to \$145. Allows county human services agencies to increase the daily amount available for temporary shelter as necessary to secure the additional bed space needed by the family. (WIC 11450(f)(4)(A)(i))
- 5) Requires a public school maintaining any combination of classes from grades 6 to 12 to stock the school's restrooms at all times with an adequate and free supply of menstrual products in all women's restrooms and all-gender restrooms, and in at least one men's restroom. (Education Code 35292.6)

FISCAL EFFECT: According to the Senate Appropriations Committee:

- Unknown, ongoing costs, likely tens of millions (General Fund), after full implementation to provide the new benefit.
- Unknown, one-time automation costs to implement the provisions.
- Cost to counties for administration would be potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

COMMENTS:

Background: *CalWORKs* is the state's primary cash assistance program. More specifically, *CalWORKs* implements the federal TANF program and provides eligible low-income families with cash grants and supportive services aimed at helping them to secure education, training, and employment. Among others, the supportive services include mental health counseling, substance use disorder treatment, or domestic violence services; job skills training; attendance in a secondary school or in a course leading to certificate of general educational development.

Unless deemed exempt or otherwise not required to participate per *CalWORKs* rules, parents are required to develop and participate in a welfare-to-work (WTW) plan. *CalWORKs*-approved WTW activities can include public or private sector subsidized or unsubsidized employment; on-the-job training; community service; secondary school, adult basic education and vocational education and training when the education is needed for the recipient to become employed; specific mental health, substance use disorders, or domestic violence services if they are necessary to obtain or retain employment; and a number of other activities necessary to assist a recipient in obtaining unsubsidized employment.

In 2021-22, the maximum monthly grant for a family of three on *CalWORKs* (one parent and two children), if the family has no other income and lives in a high cost-of-living county, is \$925. The same family living in a lower cost-of-living county would be eligible for up to \$878 per month. However, the average monthly cash grant for the family is estimated to be \$717. Many families earn some income, or live in a lower cost-of-living county, and do not qualify for the maximum grant amount. About 398,400 families are projected to receive *CalWORKs* benefits in Fiscal Year 2022-23.

Period Poverty. According to the Mayo Clinic, menstrual bleeding typically lasts between two and seven days and occurs every 21 to 35 days. The age of menstruating persons can range from eight years old to someone in their late 50s. The National Organization of Women reports that an average woman spends \$20 per cycle on period products such as tampons or pads.

Women who are experiencing financial insecurity often try to stretch the lifetime of their products by utilizing a product for longer than its intended use, but this can lead to a lethal health consequence. Toxic shock syndrome is a potentially fatal disease that causes fever, shock, low blood pressure, skin rashes and liver and kidney abnormalities, which has a close association to tampon use. In 1982, the Federal Drug Administration required that menstrual tampon packages contain a brief statement alerting consumers to the dangers of toxic shock syndrome. Other cost cutting options such as wadded up paper products can also bring health consequences such as yeast and/or bacteria tract infections. For menstruating persons also experiencing homelessness, these risks are even greater due to the lack of a place to wash.

According to a study published by the Obstetrics and Gynecology Journal titled, *Unmet Menstrual Hygiene Needs Among Low-Income Women*, researchers found that in St. Louis:

“Nearly two thirds (64%) of women were unable to afford needed menstrual hygiene supplies during the previous year. Approximately one fifth of women (21%) experienced this monthly. Many women make do with cloth, rags, tissues, or toilet paper; some even use children’s diapers or paper towels taken from public bathrooms. Nearly half of women (46%) could not afford to buy both food and menstrual hygiene products during the past year.”

Other States. In the last two years, 30 different bills in other states have passed aimed at increasing access to menstrual products. Legislation includes free products in schools, correctional facilities, and homeless shelters. According to the Nationals Conference of State Legislatures, at least 12 states provide free menstrual products in schools, at least 24 states provide free menstrual products in correctional facilities and at least three provide free menstrual products in homeless shelters. Illinois passed a bill that would allow Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) recipients to use benefits for menstrual products; however due to federal policy, these products are still ineligible.

Author’s Statement: According to the Author, “Approximately 318,000 families with children receive vital assistance under CalWORKs, and this number is projected to increase in 2023 due to continued economic uncertainties. California families are struggling financially and are fighting to stay afloat. We must address the financial burdens that continue to exist for our most vulnerable communities. According to the Alliance for Period Supplies, ‘1 in 3 low-income (menstruating people) report missing school, work, or similar commitments due to a lack of access to menstrual products.’ As California took the lead on AB 480 (Gonzalez Fletcher) by adding \$30 a month to the list of supportive services [for diapers], we can continue to fill these necessary gaps by adding an allotment for these menstruating products. As families work to get back on their feet, they should not have to miss school, work or create makeshift products that increase the possibility of physical complications. Menstruating people should not have this added mental health toll because they lack access to these essential products.”

Need for this bill: This bill attempts to expand access to menstrual products by providing a monthly benefit for CalWORKs recipients that menstruate. Menstruation is a biological event that for most is not a choice. As such, ensuring that low-income families do not have to make the choice between food and sanitary menstrual products is vital to the health of menstruating persons.

Equity Implications: Lack of access to menstrual products disproportionately affects women, Black, Indigenous, and People of Color communities. A 2021 YouGov survey found that a 23% Black and 24% Latinx people with periods strongly agree that they have struggled to afford period products in the past year. Menstrual products are crucial to health and hygiene and CalWORKs recipients struggle to access basic necessities due to limited income.

RELATED AND PRIOR LEGISLATION:

AB 150 (Committee on Budget), Chapter 82, Statutes of 2021, among other things, indefinitely extends the sales and use tax exemptions for the sale of, or the storage, use, or other consumption of, diapers for infants, toddlers, and children and menstrual hygiene products.

AB 367 (Christina Garcia), Chapter 664, Statutes of 2021, requires public schools with grade 6 to 12, California State Universities, each community college district and encourages University of California schools, private university, colleges and institutions of higher learning, to stock the school's restrooms with an adequate supply of free menstrual products, available and accessible, in all women's restrooms and all-gender restrooms, and in at least one men's restroom, at all times, as provided.

AB 10 (Cristina Garcia), Chapter 687, Statutes of 2017, requires a public school serving grades 6 to 12 that meets the 40 percent pupil poverty threshold required to operate a school wide Title 1 program to stock at least 50 percent of the school's restrooms with feminine hygiene products at all times.

AB 9 (Cristina Garcia) of 2017, would have exempted the sale of tampons, sanitary napkins, menstrual sponges, and menstrual cups from sales taxes. *AB 9 was held on the Assembly Appropriations Committee suspense file.*

AB 480 (Gonzalez Fletcher), Chapter 690, Statutes of 2017, among other things, adds diaper costs of up to \$30 a month to the list of supportive services available to CalWORKs recipients who are WTW participants, as specified.

AB 492 (Gonzalez) of 2016, would have provided, starting on October 1, 2020, a monthly \$50 diaper benefit issued through an EBT system for each child two years of age or younger in a CalWORKs assistance unit that is enrolled in child care as a supportive service. *AB 492 was vetoed by Governor Brown.*

AB 1516 (Gonzalez) of 2014, would have provided CalWORKs recipients an \$80 per month young child special needs assessment, for the purpose of purchasing diapers, for every child age two years or younger in the assistance unit. *AB 1516 was held on the Senate Appropriations Committee suspense file.*

REGISTERED SUPPORT / OPPOSITION:

Support

Generation Ratify CA (Co-Sponsor)
ACLU California Action
Advocates for Youth
AFSCME
Alliance for Children's Rights
BreastfeedLA
Cal State Student Association
California Academy of Family Physicians
California Alliance of Child and Family Services
California Alternative Payment Program Association
California Association for Nurse Practitioners

California Association of Food Banks
California Faculty Association
California Federation of Teachers AFL-CIO
California Health+Advocates, Subsidiary of The California Primary Care Association
California High School Democrats
California Latinas for Reproductive Justice
California Legislative Women's Caucus
California Nurse Midwives Association (CNMA)
Child Care Law Center
Citizens for Choice
County of Santa Clara
Days for Girls International
Equality California
League of Women Voters of California
Naral Pro-Choice California
National Association of Social Workers, California Chapter
PERIOD - the Menstrual Movement
Public Counsel
The Women's Building
University of California Student Association
URGE: Unite for Reproductive & Gender Equity
Women Democrats of Sacramento County

Opposition

None on file

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