

April 10, 2019, Human Services Subcommittee report on Warrant Article 20: To see if the Town will amend its by-laws to improve gender equity in public toilet facilities by providing free menstrual hygiene products in restrooms serving the general public in its public buildings

The Human Services Subcommittee of the Advisory Committee held a public hearing on April 10, 2019 to receive public comments on Warrant Article 20. In attendance were the petitioner Rebecca Stone TMM3, Brookline High School student Carter Mucha, and sub-committee members Ben Birnbaum (chair), David-Marc Goldstein TMM 8, Kim Smith TMM 6 and Claire Stampfer, MD TMM 5.

Rebecca Stone explained that feminine hygiene products are just as necessary for public health and hygiene as is toilet paper. Feminine hygiene products should be readily available in public restrooms, just like toilet paper is. Menstruation is a normal female bodily function and providing free feminine hygiene products in public restrooms should be the norm. Not providing these products stigmatizes those who need them. Because not all female bodied persons identify as female, feminine hygiene products should be available in all public restrooms including restrooms with a male designation.

New York State and Illinois have mandated free menstrual hygiene products in public schools' grades 6-12, in homeless shelters, and in prisons. A similar bill is now before the Massachusetts State Legislature. California has mandated the same for public schools' grades 6-12 that qualify for Title 1 low-income funding. In 2018 Scotland became the first nation to guarantee free sanitary products to all students at schools, colleges and universities. By approving Article 20, Brookline would become the first municipality in the US to provide free menstrual hygiene products in its public buildings.

During the discussion, Carter Mucha explained that passing this article would help female bodied persons to avoid the feelings of shame that many experience during their menses.

Rebecca Stone explained that stocking these products would be done by the maintenance crew of the Building Department that already stocks restrooms, so there will be no need to hire more personnel.

In a 3/25/19 memo to the Select Board, Melissa Goff, Deputy Town Administrator estimated that it would cost \$50,570 to implement the policy in approximately 100 restrooms, including \$43,261 from CIP for such items as product dispensers, wall waste baskets, and installation; as well as \$7,309 for operating expenses to cover supplies. She notes that departments expressed concerns about the propensity for "free" items to be taken in large quantities, as has occurred in other public restrooms of the town, and the additional workload to order supplies and to refill the dispensers.

A two-year roll in period is suggested to allow the Building Department time to install these items where needed.

This article does not cover school restrooms, which are under the jurisdiction of the School Committee. Nor does it cover Town of Brookline staff and employee restrooms, which are not open to the public.

In discussing the wording of the article David-Marc Goldstein pointed out the inconsistency highlighted below. To keep the language consistent, in Section 8.37.1 DEFINITIONS, he recommended "Public Building Restrooms" to replace "Restrooms serving the general public".

The entire article is reproduced here with that change:

ARTICLE 20 Submitted by: Rebecca Stone, TMM 3 To see if the Town will amend its by-laws to improve gender equity in public toilet facilities by providing free menstrual hygiene products in restrooms serving the general public in its public buildings, as follows:

8.37 MENSTRUAL HYGIENE PRODUCTS ACCESS BY-LAW SECTION

8.37.1 DEFINITIONS "Menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.

~~"Restrooms serving the general public"~~ **"Public Building Restrooms"** means restrooms established for use by members of the public (as differentiated from staff restroom facilities).

"Public Building" for the purposes of this Warrant Article means any facility owned or leased by the Town of Brookline that contains restrooms for the general public and over which the Town has care, maintenance, custody, and/or control. This shall include, but not be limited to: Public Libraries, the Town Hall Complex (including the Public Health Bldg), the Public Safety Bldg, Recreational Facilities, and Parks.

"Female-bodied" means any individual who experiences a menstrual cycle.

SECTION 8.37.2 ACCESS TO MENSTRUAL HYGIENE PRODUCTS The Town of Brookline shall make available and accessible at no charge menstrual hygiene products (tampons and pads/napkins) in its public building restrooms that serve female-bodied members of the public.

SECTION 8.37.3 MANNER OF DISPENSING Machine dispensers for menstrual hygiene products provided under this by-law shall be chosen in consultation with the Building Department and Department of Public Health, but must comply with ADA and other equity-of-access laws and considerations. Menstrual hygiene products made available at no charge from an employee, office, or Menstrual hygiene products made available at no charge from an employee, office, or other site in a public building upon in-person request does not constitute compliance with this by-law.

SECTION 8.37.4 GREEN PRODUCTS Tampons with plastic applicators may not be provided under this by-law.

SECTION 8.37.5 EFFECTIVE DATE This by-law shall take effect July 1, 2021. It will become effective for the Public Schools of Brookline upon adoption by the Brookline School Committee.

or act on anything relative thereto.

The subcommittee voted 4-0 to recommend favorable action on Article 20 with the recommended change in wording in 8.37.1 DEFINITION: "Public Building Restrooms" to replace "Restrooms serving the general public".