SENATE BILL SB-10

Introduced by Senator Monique Limon (D-21)

An act relating to Equitable Access to Sanitary Essentials Act.

LEGISLATIVE COUNSEL'S DIGEST

SB-10, Monique Limon (D-21). Equitable Access to Sanitary Essentials Act.

Under existing law, to advance menstruation equity, California State enacted requirements for public schools, Universities, and community colleges to provide free menstrual products in restrooms. However, too many people still lack access to period products. Menstruation is a basic biological function that more than half of the population experiences each month for approximately 40 years. Many people who menstruate have reported missing days of work or school or being late as a result of unexpected menstruation or an inability to access menstrual products. The Federal Coronavirus Aid, Relief and Economic Security (CARES) Act allowed menstrual products to be paid for with pre-tax dollars using a Flexible Savings Account, but expired with the end of the public health emergency.

The California Manual of Policies and Procedures (MPP) § 63-102(e)(2) clarifies the definition for foods available for purchase with the supplemental nutrition assistance program (SNAP) which is also known as CalFresh. Under this definition it clarified what foods consist of CalFresh funding under the term, "Elligible Foods". The Federal Coronavirus Aid, Relief and Economic Security (CARES) Act allowed menstrual products to be paid for with pre-tax dollars using a Flexible Savings Account, but expired with the end of the public health emergency.

To address the ongoing need, this bill directs the State to seek federal approval to allow use of federal supplemental nutritional assistance program (SNAP) funds to pay for menstrual products and include a division in the California Manual of Policies and Procedures to expand essential non-food items can thereby be eligibly purchased under supplemental nutritional assistance program (SNAP) which is otherwise known CalFresh in the California state.

Vote: Majority. Appropriations/fiscal: no. Local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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Section 1. SHORT TITLE. This act may be cited as the EASE Act.

SEC 2. For purposes of the CalFresh Program, "eligible items" shall include food products eligible for purchase under applicable federal law and the non-food essential hygiene products authorized pursuant to this section.

a. Notwithstanding any other provisions of state law, a CalFresh household may use its benefits to purchase eligible menstrual hygiene product under the amendment of California Manual of Policies and Procedures § 63-102

1. California Manual of Policies and Procedures § 63-102 is amended by adding a new subdivision, § 63-102(n)(5).

A. California Manual of Policies and Procedures § 63-102(n)(5) reads as follow:

1 . *(n)(5) "Non-food eligible items"*

Menstrual Pads and Sanitary Napkins

Tampons

Menstrual Cups and menstrual discs

Panty liners intended for menstrual use

Period underwear and other reusable menstrual products

Other menstrual hygiene products as determined by the State Department of Social Services.

SEC 3. Notwithstanding any other provision of law to the contrary and to the extent not inconsistent with federal law and regulations, the department shall, within ninety days after the effective date of this subdivision, apply for a waiver or request authorization from the federal government to ensure that supplemental nutrition assistance program (SNAP) benefits are able to be used for menstrual products.

a. This act shall take effect immediately; provided that section two of this act shall take effect only upon the occurrence of the waiver or authorization from the federal government.

1. Once granted the approval by the federal government, section two (a)(1) of this act shall take effect upon the occurrence of the waiver or authorization from the federal government to ensure that supplemental nutrition assistance program (SNAP) benefits are eligible to be used for non-food eligible items listed under California Manual of Policies and Procedures § 63-102(n)(5).

b. The office of temporary and disability assistance shall notify the legislative bill drafting commission upon the occurrence of such waiver or authorization in order that the commission may maintain an accurate and timely effective database of the official text of the laws of the state of California.