

# STATE OF NEW YORK

8264--A

2021-2022 Regular Sessions

## IN ASSEMBLY

August 25, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, the public health law, the tax law and the administrative code of the city of New York, in relation to replacing all instances of the words or variations of the words feminine hygiene products and sanitary napkins with the words menstrual products and pads, respectively, or a variation thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 625 of the correction law, as added by chapter 392 of the laws of 2018, is amended to read as follows:

§ 625. [~~Feminine hygiene~~] Menstrual products. [~~Feminine hygiene~~] Menstrual products, including, but not limited to, [~~sanitary napkins~~] pads, tampons and panty liners, shall be provided at no cost to individuals housed in state and local correctional facilities used for the general confinement of [~~female~~] inmates and in any other state or local facility where [~~women~~] inmates are detained or confined by law enforcement agencies.

§ 2. Section 267 of the public health law, as added by section 1 of part Q of chapter 56 of the laws of 2018, is amended to read as follows:

§ 267. [~~Feminine hygiene~~] Menstrual products in schools. All elementary and secondary public schools in the state serving students in any grade from grade six through grade twelve shall provide [~~feminine hygiene~~] menstrual products in the restrooms of such school building or buildings. Such products shall be provided at no charge to students.

§ 3. Paragraph 3-a of subdivision (a) of section 1115 of the tax law, as added by chapter 99 of the laws of 2016, is amended to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

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(3-a) [~~Feminine hygiene~~] Menstrual products, including, but not limited to, [~~sanitary napkins~~] pads, tampons and panty liners.

§ 4. Section 9-141 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-141 [~~Feminine hygiene~~] Menstrual products. All [~~female~~] incarcerated individuals in the custody of the department shall be provided, at the department's expense, with [~~feminine hygiene~~] menstrual products as soon as practicable upon request. All [~~female~~] individuals arrested and detained in the custody of the department for at least 48 hours shall be provided, at the department's expense, with [~~feminine hygiene~~] menstrual products as soon as practicable upon request. For purposes of this section, "[~~feminine hygiene~~] menstrual products" means tampons and [~~sanitary napkins~~] pads for use in connection with the menstrual cycle.

§ 5. Section 12-207 of the administrative code of the city of New York, as added by local law number 83 of the city of New York for the year 2016, is amended to read as follows:

§ 12-207 Availability of [~~feminine hygiene~~] menstrual products.

a. Definitions. For the purposes of this section, the following terms have the following meanings:

[~~Feminine hygiene~~] Menstrual products. The term "[~~feminine hygiene~~] menstrual products" means tampons and [~~sanitary napkins~~] pads for use in connection with the menstrual cycle.

Temporary shelters. The term "temporary shelters" means department of homeless services family with children shelters, adult family shelters, single adult [~~women shelters and single adult men~~] shelters; and human resources administration domestic violence shelters and HIV/AIDS services administration (HASA) shelters.

b. The department of citywide administrative services shall make available to agencies operating or having oversight of providers operating temporary shelters a supply of [~~feminine hygiene~~] menstrual products sufficient to meet the needs of residents. The department shall also make available a supply of [~~feminine hygiene~~] menstrual products sufficient to meet the needs of youth in secure detention facilities operated by the administration for children's services, as well as youth in congregate care facilities operated by the administration for children's services who are awaiting placement with a licensed foster care agency.

§ 6. Subparagraph (d) of paragraph 1 of subdivision a of section 20-708.1 of the administrative code of the city of New York, as added by local law number 84 of the city of New York for the year 1991, is amended to read as follows:

(d) Non-prescription drugs, [~~feminine hygiene~~] menstrual products and health and beauty aids.

§ 6-a. Subparagraph (d) of paragraph 1 of subdivision a of section 20-708.1 of the administrative code of the city of New York, as amended by local law number 129 of the city of New York for the year 2021, is amended to read as follows:

(d) Non-prescription drugs, [~~feminine hygiene~~] menstrual products and health and beauty aids.

§ 7. Section 21-968 of the administrative code of the city of New York, as added by local law number 84 of the city of New York for the year 2016, is amended to read as follows:

§ 21-968 Provision of [~~feminine hygiene~~] menstrual products in schools.

a. Definitions. For the purposes of this section, the following terms have the following meanings:

1     ~~[Feminine hygiene]~~ Menstrual products. The term "~~[feminine hygiene]~~  
2     menstrual products" means tampons and ~~[sanitary napkins]~~ pads for use in  
3     connection with the menstrual cycle.

4     School building. The term "school building" means any facility that is  
5     leased by the department or over which the department has care, custody  
6     and control, in which there is a public school, including a charter  
7     school, serving ~~[female]~~ students in grades six through twelve.

8     b. The department shall make ~~[feminine hygiene]~~ menstrual products  
9     available at no cost to students in bathrooms of school buildings.

10    § 8. This act shall take effect immediately; provided, however, that  
11    if local law number 129 of the city of New York for the year 2021 shall  
12    not have taken effect on or before such date then section six-a of this  
13    act shall take effect on the same date and in the same manner as such  
14    local law of the city of New York for the year 2021 takes effect.