

# STATE OF NEW YORK

63--A

2023-2024 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. L. ROSENTHAL, CRUZ, ZINERMAN, REYES, RAGA, SIMON, GALLAGHER, SHIMSKY, TAYLOR, DE LOS SANTOS, WALKER, BURDICK -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, the general municipal law, the public buildings law, the parks, recreation and historic preservation law, the multiple dwelling law, the public health law, the railroad law, the multiple residence law, the education law, the correction law, the public authorities law and the general business law, in relation to enacting the "total access to menstrual products (TAMP) act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "total access to menstrual products (TAMP) act".

3 § 2. Section 212-d of the labor law is amended by adding a new subdi-  
4 vision 3-a to read as follows:

5 3-a. Toilets designated for women and toilets designated as gender-  
6 neutral shall contain menstrual products, including, but not limited to,  
7 sanitary napkins, tampons and panty liners, to be provided at no cost.

8 § 3. Subdivision 1 of section 293 of the labor law is amended to read  
9 as follows:

10 1. There shall be provided and maintained for employees in every  
11 factory suitable and convenient washrooms separate for each sex,  
12 adequately equipped with washing facilities. Every washroom shall be  
13 adequately ventilated and heated and shall be lighted by artificial  
14 means where necessary. All female-designated and gender-neutral wash-  
15 rooms shall provide menstrual products at no cost, including, but not  
16 limited to, sanitary napkins, tampons and panty liners.

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

LBD00027-02-3

1 § 4. Section 295 of the labor law is amended by adding a new subdivi-  
2 sion 2-a to read as follows:

3 2-a. All watercloset compartments or toilet rooms that are female-de-  
4 signed or gender-neutral shall contain menstrual products, including,  
5 but not limited to, sanitary napkins, tampons and panty liners, which  
6 shall be provided at no cost to employees using such waterclosets and  
7 toilet rooms.

8 § 5. Section 381 of the labor law is amended by adding a new subdivi-  
9 sion 2-a to read as follows:

10 2-a. All watercloset compartments or toilet rooms that are female-de-  
11 signed or gender-neutral shall contain menstrual products, including,  
12 but not limited to, sanitary napkins, tampons and panty liners, which  
13 shall be provided at no cost to employees using such waterclosets and  
14 toilet rooms.

15 § 6. Section 404 of the labor law is amended to read as follows:

16 § 404. Washrooms. Every mine, tunnel or quarry with more than twenty-  
17 five employees shall maintain a washroom properly heated and equipped  
18 and accessible to its employees. All female-designated and gender-neu-  
19 tral washrooms shall provide menstrual products at no cost, including,  
20 but not limited to, sanitary napkins, tampons and panty liners.

21 § 7. The general municipal law is amended by adding a new section 77-j  
22 to read as follows:

23 § 77-j. Menstrual products. Each county, city, town or village shall  
24 provide menstrual products at no cost, including, but not limited to,  
25 sanitary napkins, tampons and panty liners, in all female-designated and  
26 gender-neutral washrooms and toilet facilities located on property owned  
27 or leased by such county, city, town or village.

28 § 8. The public buildings law is amended by adding a new section 147  
29 to read as follows:

30 § 147. Menstrual products in public buildings. The commissioner of  
31 general services shall require that all female-designated and gender-  
32 neutral washrooms and toilet facilities located in all state owned or  
33 leased buildings, including academic buildings, dormitories and other  
34 facilities of the state university system, provide menstrual products at  
35 no cost, including, but not limited to, sanitary napkins, tampons and  
36 panty liners.

37 § 9. The parks, recreation and historic preservation law is amended by  
38 adding a new section 13.32 to read as follows:

39 § 13.32 Menstrual products. The commissioner shall require that all  
40 female-designated and gender-neutral washrooms and toilet facilities  
41 under custody and control of the office, or other state agency as  
42 defined in subdivision two of section 13.03 of this article, provide  
43 menstrual products at no cost, including, but not limited to, sanitary  
44 napkins, tampons and panty liners.

45 § 10. Subdivision 1 of section 76 of the multiple dwelling law is  
46 amended by adding a new paragraph o to read as follows:

47 o. Every general or public female-designated or gender-neutral water-  
48 closet compartment, bathroom, or toilet room, shall contain menstrual  
49 products, including, but not limited to, sanitary napkins, tampons and  
50 panty liners, which shall be provided at no cost to individuals using  
51 such general or public facilities.

52 § 11. Section 225 of the public health law is amended by adding a new  
53 subdivision 13 to read as follows:

54 13. The sanitary code shall require that menstrual products, includ-  
55 ing, but not limited to, sanitary napkins, tampons and panty liners,  
56 shall be provided at no cost to persons using female-designated and

1 gender-neutral toilet and lavatory facilities located within all hospi-  
2 tals, nursing homes, and residential health care facilities as defined  
3 in section twenty-eight hundred one of this chapter.

4 § 12. Subdivision 1 of section 1347 of the public health law is  
5 amended to read as follows:

6 1. All departments and boards of health and the commissioner or  
7 commissioners thereof shall have the power to enforce the provisions of  
8 sections thirteen hundred forty-five to thirteen hundred [~~forty-seven~~  
9 forty-eight, inclusive, of this [~~chapter~~] title.

10 § 13. Section 1348 of the public health law is renumbered section 1349  
11 and a new section 1348 is added to read as follows:

12 § 1348. Hotel sanitation; menstrual products. Menstrual products,  
13 including, but not limited to, sanitary napkins, tampons and panty  
14 liners, shall be provided at no cost to guests or employees of such  
15 hotel or motel upon request, and shall also be furnished in the public  
16 lavatories and washrooms of such hotel or motel.

17 § 14. The public health law is amended by adding a new section 1352-f  
18 to read as follows:

19 § 1352-f. Menstrual products. Menstrual products, including, but not  
20 limited to, sanitary napkins, tampons and panty liners, shall be  
21 provided at no cost to patrons in all female-designated and gender-neu-  
22 tral public toilet facilities.

23 § 15. Section 77-c of the railroad law is amended by adding a new  
24 subdivision 1-a to read as follows:

25 1-a. Toilet facilities located on all locomotives required pursuant to  
26 subdivision one of this section shall contain menstrual products,  
27 including, but not limited to, sanitary napkins, tampons and panty  
28 liners, which shall be provided at no cost to persons using such facili-  
29 ty.

30 § 16. The second undesignated paragraph of section 78 of the railroad  
31 law, as amended by chapter 484 of the laws of 1963, is amended to read  
32 as follows:

33 From and after the first day of July, nineteen hundred and twenty-four  
34 it shall be unlawful for any corporation or individual to man, equip, or  
35 to use within the state on any railroad a caboose car, or car to serve  
36 the purpose of a caboose car, which shall be less than twenty-four feet  
37 in length exclusive of the platform, or which shall have a center  
38 constructive strength less than that of the fifty-ton freight cars built  
39 according to master car builders' standards. Such caboose or other  
40 equivalent car shall be constructed with steel center sills with two  
41 four-wheeled trucks; with each platform not less than twenty-four inches  
42 wide, with proper guard rails, grab irons and steps, which shall be  
43 equipped with a suitable rod, board or other guard designed to prevent  
44 slipping from the car step. Each such car shall have a door at each end  
45 and shall be equipped with four separate sleeping berths not less than  
46 six feet and two inches in length. Each such car shall contain a proper-  
47 ly furnished toilet room, sink, icebox, water cooler, clothing lockers,  
48 fire extinguishers, and with either a cupola of sufficient size to  
49 accommodate at least two men or women or bay windows. Each such toilet  
50 room shall contain menstrual products, including, but not limited to,  
51 sanitary napkins, tampons and panty liners, which shall be provided at  
52 no cost to persons using such toilet room. Each such car on every  
53 freight train shall be equipped with electric markers of sufficient  
54 candle power to be visible for a distance of three thousand feet under  
55 normal weather conditions. Flashing type or constant burning markers  
56 shall be deemed a sufficient compliance with the foregoing requirement.

1 The glass in all windows and doors of each such car shall be shatter-  
2 proof. Whenever any caboose or other car used for like purpose now in  
3 use by any such railroad company shall, after this act goes into effect,  
4 be brought into any shop for general repairs it shall be unlawful to  
5 again put the same into use within this state, as a caboose or other car  
6 used for like purpose unless it be equipped as provided in this act. All  
7 cabooses built after January first, nineteen hundred sixty-five must be  
8 of steel construction and equipped with electric lights.

9 § 17. Section 171 of the multiple residence law is amended by adding a  
10 new subdivision 3-a to read as follows:

11 3-a. Every watercloset that is supplementary to the watercloset accom-  
12 modations required for the exclusive use of tenants of the dwelling,  
13 shall contain menstrual products, including, but not limited to, sani-  
14 tary napkins, tampons and panty liners, which shall be provided at no  
15 cost to persons using such waterclosets.

16 § 18. The education law is amended by adding a new section 213-a to  
17 read as follows:

18 § 213-a. Menstrual products. The commissioner shall require that all  
19 female-designated and gender-neutral toilet rooms located on property  
20 owned or leased by the university provide menstrual products at no cost,  
21 including, but not limited to, sanitary napkins, tampons and panty  
22 liners.

23 § 19. The education law is amended by adding a new section 409-n to  
24 read as follows:

25 § 409-n. Menstrual products. The board of education or trustees of  
26 every school district, and the principal or other person in charge of  
27 every nonpublic elementary or secondary school within the state shall  
28 require that all female-designated and gender-neutral toilet rooms  
29 provide menstrual products at no cost, including, but not limited to,  
30 sanitary napkins, tampons and panty liners.

31 § 20. The education law is amended by adding a new section 6235 to  
32 read as follows:

33 § 6235. Menstrual products. The board of trustees shall require that  
34 all female-designated and gender-neutral toilet rooms located on proper-  
35 ty owned or leased by the city university provide menstrual products at  
36 no cost, including, but not limited to, sanitary napkins, tampons and  
37 panty liners.

38 § 21. The correction law is amended by adding a new section 627 to  
39 read as follows:

40 § 627. Menstrual products. Menstrual products, including, but not  
41 limited to, sanitary napkins, tampons and panty liners, shall be  
42 provided at no cost to individuals housed in state and local correction-  
43 al facilities used for the general confinement of female incarcerated  
44 individuals and in any other state or local facility where women are  
45 detained or confined by law enforcement agencies.

46 § 22. Article 9 of the public authorities law is amended by adding a  
47 new title 13 to read as follows:

48 TITLE 13

49 MENSTRUAL PRODUCTS

50 Section 2988. Menstrual products in toilet facilities.

51 § 2988. Menstrual products in toilet facilities. All public authori-  
52 ties as designated by this chapter shall require that all female-desig-  
53 nated and gender-neutral toilet facilities located on property owned or  
54 leased by such public authority provide menstrual products at no cost,

1 including, but not limited to, sanitary napkins, tampons and panty  
2 liners.

3 § 23. The general business law is amended by adding a new section  
4 399-aaaaa to read as follows:

5 § 399-aaaaa. Menstrual products in toilet facilities. All owners,  
6 lessees or other occupants of any real property or any other persons,  
7 copartnerships, corporations, or entities engaged in business activities  
8 in the state shall require that all female-designated and gender-neutral  
9 toilet facilities located on such real property provide menstrual  
10 products at no cost, including, but not limited to, sanitary napkins,  
11 tampons and panty liners.

12 § 24. This act shall take effect on the one hundred eightieth day  
13 after it shall have become a law. Effective immediately, the addition,  
14 amendment and/or repeal of any rule or regulation necessary for the  
15 implementation of this act on its effective date are authorized to be  
16 made and completed on or before such effective date.