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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3-a. Every watercloset that is supplementary to the watercloset accommodations required for the exclusive use of tenants of the dwelling, shall contain menstrual products, including, but not limited to, sanitary napkins, tampons and panty liners, which shall be provided at no cost to persons using such waterclosets.

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

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

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

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

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

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

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

§ 627. Menstrual products. Menstrual products, including, but not limited to, sanitary napkins, 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 incarcerated individuals and in any other state or local facility where women are detained or confined by law enforcement agencies.

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

TITLE 13

MENSTRUAL PRODUCTS

Section 2988. Menstrual products in toilet facilities.

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

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

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

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

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