STATE OF NEW YORK

8516

IN ASSEMBLY

January 4, 2024

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to allowing certain non-public schools to be exempt from being required to provide menstrual products in the restrooms of school buildings

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

Section 1. Section 267 of the public health law, as amended by a chapter of the laws of 2023 amending the public health law relating to providing menstrual products in non-public schools, as proposed in legislative bills numbers S. 5913-A and A. 113-A, is amended to read as follows:

§ 267. Menstrual products in schools. **1.** All elementary and secondary public schools and non-public schools in the state serving students in any grade from grade six through grade twelve shall provide menstrual products in the restrooms of such school building or buildings. Such products shall be provided at no charge to students.

2. A non-public school may be granted an exemption from the requirements of subdivision one of this section upon a demonstration sufficient to the commissioner of education that the school does not serve students who need such products and that menstrual products are available in a manner that ensures the privacy of any student seeking them within the school building or buildings, including but not limited to within any gender-neutral restroom. Such exemption may be revoked should the circumstances change on which the exemption is granted.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2023 amending the public health law relating to providing menstrual products in non-public schools, as proposed in legislative bills numbers S. 5913-A and A. 113-A, takes effect. 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.

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

LBD01363-05-4