




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

December 11, 2023

TO: Andrew Friedson, President, County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Recommendation Memorandum, Bill 42-23, Health and Sanitation – Menstrual Products in Public Restroom

Bill 42-23 would require places of public accommodation to provide menstrual products in each public restroom at no charge to users. I support the intention of the bill to protect the health of County residents and expand on previous efforts under State law to improve menstrual equity.

Access to clean and safe menstrual products is essential to menstrual hygiene management. Having access to menstrual products in public restrooms can reduce stigma and shame associated with menstruation. People experiencing poverty may not be able to afford an adequate supply of menstrual products and public assistance programs such as the Supplemental Nutrition Assistance Program (SNAP) benefit cannot be used to purchase menstrual products. Persons experiencing homelessness, domestic violence, and sex trafficking are at especially high risk for lack of access. Lastly, extended use of tampons, often to stretch the supply, can result in severe infections such as toxic shock syndrome.

The State of Maryland has already taken several steps to address menstrual product equity including (1) requiring the installation of menstrual hygiene product dispensers in some student restrooms; (2) requiring incarcerated individuals to have access to free menstrual supplies; (3) exempting menstrual products from sales tax. Bill 42-23 would be an additional step to improve menstrual equity in the County.

While I support Bill 42-23, I offer the following comments and suggested amendments:

1. The Council should consider amending the bill to provide an incentive program for businesses through grants or tax incentives to offer quality tampons, pads, and other menstrual period supplies in their public restrooms. This may assist with the vital first step towards access by limiting the overall fiscal impact of the bill on places of public accommodation, thereby ensuring essential menstrual products are readily available at public restrooms at no charge to users.
2. The bill will present a major challenge for DHHS to inspect public restrooms for menstrual products, even if only on a complaint-driven basis. The responsibility for

inspection of complaints will fall on Licensure and Regulatory Services which already struggles with staffing levels to keep up with both state- and county-mandated inspection. An increase in Environmental Health specialist staff is recommended based on the number of businesses which will be impacted by the bill.

3. The bill indicates that a violation of this Section would be a Class A violation but does not specify if it is a Class A civil violation or Class A criminal violation; it is recommended that a violation of this Section would be a civil violation.

4. Bill 42-23 will have a fiscal impact on County facilities, particularly facilities heavily visited by the public, such as libraries and recreation centers. To ensure the success of such a program, the Department of Recreation would need an increase in operating funds, procurement assistance with contracts and various resources to ensure compliance.

Thank you for your consideration.

ME:kd

cc: James C. Bridgers, Jr., Ph.D., MBA, Director, DHHS
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