

# #629663 Fwd: Fiscal Impact Statement Transmittal: Council Bill 42-23, Health and Sanitation - Menstrual Products in Public Restrooms - Required

<b>Submitted</b>	<b>Received via</b>	<b>Requester</b>
December 18, 2023 at 8:37 PM	Mail	Jennifer Bryant

<b>Status category</b>	<b>Ticket status</b>	<b>Group</b>	<b>Type</b>	<b>Assignee</b>	<b>Priority</b>
Open	Open	Staff	-	Christine Wellons	Normal

### Tags Dropdown

Bills::Bill 42-23, Health & Sanitation - Menstrual Products in Public Restrooms - Required GEN

### Custom Subject

Fwd: Fiscal Impact Statement Transmittal: Council Bill 42-23, Health and Sanitation - Menstrual Products in Public Restrooms - Required

### Channel Has attachment?

Email Yes

### Letter Summary

Fiscal Impact Statement for Bill 42-23, Health & Sanitation - Menstrual Products in Public Restrooms - Required

**Office of Councilmember Andrew Friedson** December 18, 2023 at 8:37 PM

FYI

----- Forwarded message -----

From: jennifer.bryant@montgomerycountymd.gov

Date: 12/6/2023, 7:21:11 AM

Dear Council President Friedson,

On behalf of Office of Management and Budget Director Jennifer Bryant, please find attached the Fiscal Impact Statement for Council Bill 42-23, Health and Sanitation - Menstrual Products in Public Restrooms - Required.

Thank you,

**Adrienne Craver**

Administrative Specialist

Office of Management and Budget

Montgomery County, Maryland

(240) 777-2785

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OFFICE OF MANAGEMENT AND BUDGET

Marc Elrich  
*County Executive*

Jennifer R. Bryant  
*Director*

MEMORANDUM

December 6, 2023

TO: Andrew Friedson, President  
Montgomery County Council

FROM: Jennifer R. Bryant, Director  
Office of Management and Budget

SUBJECT: Fiscal Impact Statement for Council Bill 42-23, Health and Sanitation - Menstrual  
Products in Public Restrooms - Required

Please find attached the Office of Management and Budget approved Fiscal Impact Statement for the above-referenced legislation.

JB:ac

cc: Cindy Gibson, Chief of Staff to the Council President, Montgomery County Council  
Richard S. Madaleno, Chief Administrative Officer, Office of the County Executive  
Fariba Kassiri, Deputy Chief Administrative Officer, Office of the County Executive  
Sonia Mora, Assistant Chief Administrative Officer, Office of the County Executive  
Earl Stoddard, Assistant Chief Administrative Officer, Office of the County Executive  
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Ken Hartman, Director of Strategic Partnerships, Office of the County Executive  
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Grace Pedersen, Fiscal and Policy Analyst, Office of Management and Budget

Office of the Director

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# Fiscal Impact Statement

Office of Management and Budget

## Bill 42-23

## Health and Sanitation - Menstrual Products in Public Restrooms - Required

### Bill Summary

Bill 42-23 requires places of public accommodation to provide free menstrual products in public restrooms. The Bill requires the Department of Health and Human Services (DHHS) to enforce the bill. Noncompliance with the bill's requirements is a Class A violation.

### Fiscal Impact Summary

Expenditures increase by \$2.0 million in FY25 and \$1.1 million each year thereafter. Revenues increase by \$50,000 starting in FY26. This analysis assumes DHHS will require additional staff to accommodate an increased inspection workload from the bill. The new position will also require a vehicle. DHHS incurs \$179,600 in the first year, and \$122,000 each year thereafter. This analysis assumes that free menstrual products are provided in all public women's and unisex restrooms in Montgomery College, Maryland National Capital Park and Planning Commission (MNCPPC), and Department of General Services (DGS)-operated facilities. Combined, Montgomery College, MNCPPC, and DGS incur \$1.4 million in the first year and \$979,800 each year thereafter. State law already requires Montgomery County Public Schools to provide free menstrual products in all women's restrooms by August 2025. This analysis assumes MCPS incurs \$468,000 in FY25 costs to provide free menstrual products one school year earlier than the State's required implementation date. Assuming 1 percent of DHHS' inspections result in a violation fine, \$50,000 revenue would be generated each year.

Fiscal Year	25	26	27	28	29	30	Total
Personnel Costs	\$114,400	\$114,400	\$114,400	\$114,400	\$114,400	\$114,400	\$686,400
Operating Expenses	\$1,914,200	\$987,400	\$987,400	\$987,400	\$987,400	\$987,400	\$6,851,200
Total Expenditures	\$2,028,600	\$1,101,800	\$1,101,800	\$1,101,800	\$1,101,800	\$1,101,800	\$7,537,600
Revenues	\$0	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000
Total Impact	(\$2,028,600)	(\$1,051,800)	(\$1,051,800)	(\$1,051,800)	(\$1,051,800)	(\$1,051,800)	(\$7,287,600)
FTE	1.00	1.00	1.00	1.00	1.00	1.00	

### Fiscal Impact Analysis

#### Expenditures

**DHHS:** One additional Environmental Health Specialist II position will be used to implement the bill. The position's compensation would total \$114,400 annually. The position will also incur \$6,200 operating expenses in the first year and \$1,600 each year thereafter. The position requires a vehicle with a one-time purchase cost of \$53,000 and \$6,000 in ongoing maintenance costs.

**DGS:** DGS manages custodial services for approximately 1,000 restrooms. Data on the exact distribution of men's, women's, and unisex restrooms was not available at the time of this writing. Assuming 60 percent of restrooms are women's or unisex restrooms, DGS would incur \$1.1 million in costs during FY25, including \$194,700 in one-time costs to install dispensers and receptacles, and \$892,000 annually to restock supplies.

**Montgomery College:** Montgomery College will incur \$195,000 in costs during FY25, including \$120,000 in one-time costs to install dispensers, and \$75,000 annually to



restock supplies.

**MNCPPC:** MNCPPC manages 105 women's and unisex restrooms. MNCPPC would incur \$99,300 in costs in FY25, including \$86,500 in one-time costs to install dispensers and \$12,800 in ongoing costs to restock supplies.

**Montgomery County Public Schools:** State law (Md. Code, Educ. § 7-449) requires that public schools provide free menstrual products in all women's restrooms in middle and high schools by August 2025. The State also reimburses counties for the cost of purchasing and installing dispensers in women's restrooms in public middle and high schools. At least two women's restrooms in each middle and high school are already required to provide free menstrual products as of October 2022. This bill requires provision of free menstrual products one school year before the State requirement takes effect. This analysis assumes approximately 5 restrooms in each of the County's middle schools, and 10 restrooms in each of the County's high schools, would be required to start providing free menstrual products in the 2024-2025 school year. MCPS will incur \$468,000 in FY25 costs to provide free menstrual products one year prior to the State's required implementation deadline. This analysis assumes the bill creates no further MCPS fiscal impact after FY25, as the pre-existing State requirement will take effect in FY26.

### **Revenues**

As this is a completely new type of requirement, it is difficult to accurately estimate the number of violations that may be identified each year. This analysis assumes that at least 1 percent of investigations (100 annually) result in a violation fine. No violation fines are assumed in the first year of operations.

### **Staff Impact**

DHHS inspects places of public accommodation including food services establishments, theaters, concert halls, meeting halls, inns, motels, hotels, swimming pools, health care facilities, retail stores and services, and other establishments. DHHS estimates that there are over 3,900 places of public accommodation in the County. Some establishments require inspection more than once per year. For example, public swimming pools require four inspections each year. In total, DHHS estimates that it conducts approximately 10,000 inspections each year. Each inspection can take between 30 minutes to 3 hours, depending on the size and complexity of the facility. DHHS also conducts approximately 300 investigations in response to complaints each year. DHHS estimates the bill could add between 1 and 30 minutes to an inspection. In addition, complaint-based inspections at facilities that DHHS does not regulate will each add up to one hour to the inspection workload.

Assuming 10 to 15 minutes are added to each of its 10,000 inspections, DHHS' workload could increase 2,000 hours each year. One Environmental Health Specialist II would be needed to accommodate the increased workload. The staff cost of restocking DGS, Montgomery College, MNCPPC, and MCPS restrooms with menstrual products is not included in this analysis, but it is assumed that custodial staff could handle the restocking within existing workloads.

### **Actuarial Analysis**

The bill is not expected to impact retiree pension or group insurance costs.

### **Information Technology Impact**

The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

### **Other Information**

*Later actions that may impact revenue or expenditures if future spending is projected*

The bill does not authorize future spending.



*Ranges of revenue or expenditures that are uncertain or difficult to project*

For DHHS, this analysis assumes that all 10,000 inspections will review places of public accommodation with public restrooms, but some locations may not offer public restrooms. Each department projects expenditures for purchasing sanitary napkin dispensers, however some restrooms in DGS, Montgomery College, and MNCPPC facilities may already have dispensers. This analysis assumes that women's and unisex restrooms are supplied with menstrual products. To ensure equity for transgender men and nonbinary individuals that use men's restrooms, menstrual products may be provided in men's restrooms, although the number of dispensers and menstrual products that would be utilized in men's restrooms is uncertain and not included in this analysis. It is unclear how many places of public accommodation may violate the bill and generate fine revenue. For illustrative purposes, this analysis assumes one percent of inspections would result in a violation and fine; to the extent that the actual number of violations is higher or lower than this assumption, the revenues would adjust accordingly.

*Contributors*

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