

House Bill 2167

Sponsored by Representatives SMITH DB, WRIGHT (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows public education provider to identify which locations to make tampons and sanitary pads available to students.

A BILL FOR AN ACT

1
2 Relating to the provision of menstrual products to students; amending ORS 326.545.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 326.545, as amended by section 12, chapter 81, Oregon Laws 2022, is amended
5 to read:

6 326.545. (1) As used in this section:

7 (a) "Public education provider" means:

8 (A) A school district;

9 (B) A public charter school;

10 (C) An education service district;

11 (D) A community college; or

12 (E) A public university listed in ORS 352.002.

13 (b) "Public school building" means a building **that, as identified by a public education pro-**
14 **vider, is** used by [a] **the** public education provider to **regularly** provide educational services to
15 students.

16 [(c) "*Student bathroom*" means a bathroom that is accessible by students in kindergarten or above,
17 including a gender-neutral bathroom, a bathroom designated for females and a bathroom designated for
18 males.]

19 (2) Each public education provider shall **identify at least one location in each public school**
20 **building where the public education provider will** ensure that both tampons and sanitary pads
21 are available at no cost to students through dispensers [*located in every student bathroom of every*
22 *public school building*].

23 (3) A public education provider, and any employee of a public education provider, is not liable
24 in a criminal action or for civil damages as a result of a student's use of a tampon or sanitary pad
25 made available under this section.

26 (4) The State Board of Education and the Higher Education Coordinating Commission shall
27 adopt any rules necessary for the administration of this section. Rules adopted by the board and
28 commission shall provide for:

29 [(a) *The number of dispensers required in each student bathroom;*]

30 [(b)] (a) The types of products available in each [*student bathroom*] **location identified by the**
31 **public education provider;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 [(c)] (b) The provision of tampons and sanitary pads in an alternate location when the public
2 education provider does not have control of [*the student bathrooms used*] **a suitable location to**
3 **make tampons and sanitary pads accessible** by the students of the public education provider;

4 [(d)] (c) Modifications to or exemptions from the requirements of this section [*for student*
5 *bathrooms that are not located*] **if there are no suitable locations** in commonly accessible areas of
6 the public school buildings of a community college or a public university; and

7 [(e)] (d) Payments to public education providers for costs incurred under this section, including:

8 (A) For school districts, public charter schools and education service districts and subject to
9 subparagraph (B) of this paragraph, distributions from amounts available under ORS 327.008 (18) to
10 be made based on the average daily membership, as defined in ORS 327.006, of the district or school;

11 (B) For education service districts, distributions to be made as provided by subparagraph (A)
12 of this paragraph may not exceed 7.5 percent of the amounts available for distribution under ORS
13 327.008 (18);

14 (C) For community colleges, distributions from the Community College Support Fund to be made
15 based on the full-time equivalent student enrollment of the community college; and

16 (D) For public universities, distributions from a public university support fund established by the
17 commission by rule.

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