

## 2022 CWDA Legislative Proposal [SS-7]

**Submitted by:** Contra Costa County

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**TOPIC:** Stipends to Address Menstruation Equity

**PROBLEM STATEMENT:** In Contra Costa County and across the country, too many low-income women struggle to obtain menstrual hygiene products for themselves and their female children or dependent household members. A 2019 study by Obstetrics & Gynecology of low-income women in a large U.S. city found that nearly two-thirds (64%) could not afford menstrual hygiene products or supplies in the past year. The same study found that more than one in five (21%) women experienced this problem monthly<sup>10</sup>.

The umbrella term “period poverty” describes inequities resulting from the lack of access to menstrual hygiene tools and resources. In addition to low-income women and girls, “period poverty” also adversely affects students, transgender and non-binary individuals, incarcerated women, and homeless women. Among the key contributors to “period poverty” are:

- Exorbitant prices of tampons or pads: 27 states\* currently view these products as luxury goods and impose sales tax, also known as the “tampon tax,” on menstrual hygiene products.  
\* *NOTE: California has suspended the “tampon tax” but only through January 1, 2022 (S.B. 92)*
- Menstrual hygiene products cannot be purchased with Food Stamps (CalFresh in California), Medicaid (Medi-Cal in California), and the WIC program. Health savings accounts only recently allowed for the purchase of menstrual hygiene products due to the recent CARES Act.

Recent studies have found linkages between frequent instances of “period poverty” and the prevalence of health inequities. For example, a recent analysis of college-age women in the U.S. conducted by the National Library of Medicine found that women who experienced monthly period poverty over the past year were the most likely to report moderate/severe depression<sup>11</sup>.

### ANALYSIS:

#### ***Potential Eligibles:***

All household members of current active CalFresh and CalWORKs cases and SSI/SSP recipients who are female, transgender, or non-binary, and between ages 11 and 55, including ineligible, inactive, and excluded household members of active CalFresh and CalWORKs households, shall be eligible for the stipend. SSI/SSP recipients who are not part of a County CalFresh or CalWORKs benefit case will also be eligible. An analysis of the current active Contra Costa CalFresh and CalWORKs households in CalWIN, and active Contra Costa SSI/SSP recipients, reveals the following:

- As of July 2021, there are **76,321 active CalFresh** recipients and **12,745 active CalWORKs recipients**
- There are approximately **21,702 individuals** who list their sex as Female, are between the ages of 11 and 55, and are active recipients of either CalFresh, CalWORKs, or both programs
- There are approximately **7,970 individuals** who list their sex as Female, between the ages of 11 and 55, and are ineligible or excluded in an active CalFresh or CalWORKs case. This estimate includes SSI/SSP recipients\*\*, sanctioned or penalized household members, ineligible members due to immigration status, children excluded by a parent due to receipt of child support, etc.)

<sup>10</sup> [Unmet Menstrual Hygiene Needs Among Low-Income Women: Obstetrics & Gynecology \(lww.com\)](https://www.lww.com)

<sup>11</sup> [Period poverty and mental health implications among college-aged women in the United States - PubMed \(nih.gov\)](https://pubmed.ncbi.nlm.nih.gov/)

*\*\* Out of the 7,970 inactive, ineligible, or excluded household members eligible for the stipend, 613 individuals are SSI/SSP recipients. There are approximately 25,000 SSI/SSP recipients in Contra Costa County, according to the Social Security Administration (SSA)<sup>12</sup>. Due to SSA data limitations, the number of additional SSI/SSP individuals not in County programs that fit the stipend-eligible criteria could not be determined at this time.*

- There are **34 individuals** that fit the age and program criteria who list their sex as **Male or Unknown** and their sexual orientation as **“Queer”, “Unknown”, or “Another Sexual Orientation”**; these individuals were added to the total count for this analysis

The proposed solution may allow **more than 30,000 Contra Costa individuals** to benefit from a monthly stipend of \$15 per month based on the above estimates.

### ***Transmission of Stipend:***

Qualified individuals linked to an active CalFresh or CalWORKs case shall receive the monthly stipend through the listed Head of Household’s EBT card. For SSI/SSP-only customers with no CalFresh or CalWORKs-issued EBT card, the monthly stipend may be transmitted directly from SSA, potentially utilizing the appropriate funding source (such as the SSP portion of the benefit). SSI/SSP customers may be part of the CalFresh or CalWORKs household and may receive their stipend allotment via the CalFresh or CalWORKs-issued EBT card.

**PROPOSED SOLUTION:** This proposal aims to help alleviate menstrual inequity through the CalFresh, CalWORKs, and SSI/SSP benefit programs. EHSD proposes a \$15 monthly stipend for each female, transgender, and non-binary household member between the ages of 11 and 55 in each CalFresh, CalWORKs, or SSI/SSP household solely to purchase feminine hygiene products. Female, transgender, or non-binary household members shall be eligible for the monthly stipend regardless of program eligibility or immigration status. Undocumented individuals, individuals experiencing program sanctions and penalties, SSI/SSP recipients, ineligible household members, and excluded household members (for instance, if a parent opts to exclude a child receiving child support) shall be eligible for the stipend.

Stipend-eligible individuals shall receive the benefit monthly through the household’s CalFresh or CalWORKs-issued EBT Card, or through the SSI/SSP benefits card monthly transmission.

### **LEGISLATIVE HISTORY**

Research reveals no prior bills in California that sought to expand coverage of CalFresh benefits to feminine hygiene products or any other non-food items.

In Illinois, House Bill 155 was recently signed into law and will take effect on January 1, 2022. House Bill 155 will require the Department of Human Services to apply for a waiver from the U.S. Department of Agriculture’s Food and Nutrition Service permitting Supplemental Nutrition Assistance Program (SNAP) and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) benefit recipients to use their benefits to purchase diapers and menstrual hygiene products.

S.B. 92, signed by Governor Newsom, will expire on January 1, 2022, which will restore the Sales Use Tax for menstrual hygiene products without further legislative action.

### **POTENTIAL FISCAL IMPACT:**

#### ***Rough estimates for the annual cost of the stipend are as follows:***

In Contra Costa, more than 30,000 individuals x \$15 per individual x 12 months = **more than \$5.4 million per year**. Expanding this to the remaining 97% of California’s population may result in a statewide cost of **more than \$180 million per year**.

<sup>12</sup> [SSI Recipients by State and County, 2019 \(ssa.gov\)](https://ssa.gov)

These costs may be recuperated in other areas, such as lower utilization of public health resources (including mental health resources), an increase in overall health and well-being of individuals who experience menstruation, leading to positive outcomes.

**POTENTIAL IMPACT TO OTHER COUNTY DEPARTMENTS OR SPECIFIC SUPERVISORIAL DISTRICTS:**

The process could affect the Social Security Administration as they administer and maintain SSI/SSP cases. Initial close coordination and operations must be established with County Welfare Departments to avoid stipend issuance duplication for SSI/SSP recipients who fit the stipend eligibility criteria.

**ANTICIPATED SUPPORT OR OPPOSITION:**

***Anticipated Support:***

- Other County Human Services Departments
- American Academy of Pediatrics, California
- American College of Obstetricians and Gynecologists, District IX
- Anti-Defamation League
- California Grocers Association
- CaliforniaHealth+ Advocates
- Courage Campaign
- End the Tampon Tax in California Grassroots Coalition
- Equal Rights Advocates
- IGNITE
- The Indie-Activists
- National Association of Social Workers, California Chapter
- National Women's Political Caucus of California
- Pad Project
- Sacramento Homeless Period Project
- Western Center on Law and Poverty
- Women's Empowerment
- Feeding America
- California Association of Food Banks
- California WIC Association

***Anticipated Opposition:***

N/A