

The Unequal Price of Periods

Menstrual Equity in the United States

Introduction

On any given day, there are 800,000,000 people on the planet who are menstruating, of whom at least 500,000,000 lack adequate resources – basic supplies, facilities, information, and support – for managing their periods.¹

Until very recently this issue had been given little consideration in U.S. policies and laws. It is an omission that affects everyone, but hits hardest the populations for whom access and agency is most compromised:

- For the nearly one in five American teenagers who live in poverty,² lack of menstrual products and support can lead to lost educational opportunity.
- Those experiencing homelessness report infection caused by using tampons and pads for longer than recommended or by improvising with items such as paper towels or newspapers.³
- Incarcerated individuals and those caught in the criminal justice system often beg or bargain with staff for basic hygiene needs, part of a degrading and dehumanizing power imbalance.⁴

Among the policies that have kept menstruation at the margins: Tampons and pads are rarely designated

as allowable budgetary expenses for publicly funded schools, shelters, or crisis and emergency centers. They are not provided in a consistent or fully accessible way in correction and detention facilities. Menstrual products are not covered by public health and nutritional benefits programs, nor made uniformly available in schools or workplaces. And in 33 states, menstrual products are not exempt from sales taxes.⁵

Equity-based arguments – and the term “menstrual equity,” coined by author Jennifer Weiss-Wolf – yield the most powerful narrative for countering the inconsistencies and oversights that currently exist in American law and public policy. Indeed, this is the heart of the formal definition of menstrual equity set forth in her book, “Periods Gone Public”:

In order to have a fully equitable and participatory society, we must have laws and policies that ensure menstrual products are safe and affordable for everyone who needs them. The ability to access these items affects a person’s freedom to work, study, stay healthy, and engage in the world with basic dignity. And if anyone’s access is compromised, whether by poverty or stigma or lack of education and resources, it is in our societal interest to ensure those needs are met.⁶

The potential medical harms resulting from lack of access to menstrual products can be lasting, too.

Resulting reproductive tract infections may lead to negative pregnancy outcomes and make individuals more susceptible to acquiring sexually transmitted infections, including Human Papillomavirus (HPV).⁷ HPV is an incurable infection that can cause cervical cancer.⁸ Using tampons or other inserted materials for longer than recommended can also lead to the rare condition toxic shock syndrome,⁹ which can require a hysterectomy or even be fatal.

In addition to the damaging health impacts, lack of access to menstrual products can also make people feel humiliated and powerless, resulting in stigmatization and exclusion. People may end up bleeding on themselves, their clothing, and places that they must sit or sleep. If they cannot replace the bloody items then they may have to use stained articles of clothing that also advertise their menstruation – in ways that exacerbate already problematic stigma and shame.

This issue brief will demonstrate the ways in which certain U.S. laws and policies restrict people’s access to menstrual products, specifically for those in vulnerable circumstances, such as those living in poverty and those confined in correctional institutions. In addition to reviewing the current policy landscape, this brief concludes with concrete recommendations for making lasting change to advance menstrual equity.

Poverty and Lack of Access to Menstrual Products

Menstrual products can be costly, and poverty poses a barrier to accessing them. People who menstruate can expect to spend upwards of \$1,000 over the course of their lifetime on menstrual products.¹⁰ For many, this means resorting to degrading and unhygienic options. For example, a recent study demonstrated that two-thirds of low-income women in St. Louis could not afford menstrual products during the previous year, instead using cloth, rags, diapers, or paper as a substitute.¹¹

State and local sales taxes can further impede access, adding as much as 10 percent to the cost. This could put the price of a box of pads or tampons out of reach of people struggling to make ends meet.¹² Thirty-three states do not exempt menstrual products from sales

tax,¹³ even while exempting items such as dandruff shampoo.¹⁴ The choice not to exempt menstrual products implies that such products are not necessities.

Families on Public Assistance

Those who receive public assistance face clear hurdles. Government assistance programs, including the Supplemental Nutrition Assistance Program and the Women, Infants, and Children program (WIC) – which is designed to provide nutritional support for children and pregnant or postpartum mothers¹⁵ – cannot be used to purchase menstrual products.¹⁶ Under the laws governing these programs, individuals who trade food stamps for tampons can be prosecuted.¹⁷ Struggling parents may have to borrow money just to buy enough menstrual products to last through each cycle.¹⁸ Others may illegally sell their food stamps for cash to buy menstrual products and other necessities.¹⁹ The WIC prohibition is especially harmful because many people need access to extra menstrual products for several weeks after birth due to bleeding and other postpartum discharge.²⁰

Lack of Access in Public Schools

Students who cannot afford menstrual products may miss school or be less productive or engaged in the classroom.²¹ Families often struggle to pay for menstrual products as well as other necessities for their children each month.²² There is considerable research documenting the experience for girls in lower-income countries. The problem extends to wealthier countries as well. Plan International UK sheds light on British students who have missed school during or on account of their periods: 40 percent report having had to improvise menstrual products because they could not afford them.²³ However, people may not realize that this problem also exists in the U.S. For example, an article highlighting Tennessee students reports on those who have missed school due to lack of access to menstrual products; nonetheless, schools there do not keep these products on hand.²⁴ In a reservation school in South Dakota, girls who lacked access to menstrual products improvised with toilet paper but often bled through their clothes and ended up missing school.²⁵

Children may suffer lifelong consequences because they lack access to menstrual products. Even missing just a few days of school can lead to significant performance gaps that are exacerbated by poverty and racism.²⁶ Absenteeism is also linked to social disengagement, feelings of alienation, and adverse outcomes even into adulthood.²⁷

Housing Instability

People without stable housing also struggle to access menstrual products because they are unaffordable and/or may not be available at all shelters.²⁸ Despite the seriousness and breadth of the homelessness problem in the United States, little research has been conducted about access to menstrual products for people who are homeless or have unstable housing. We do know that many people who are homeless struggle to afford menstrual products, a situation exacerbated by limited access to clean water and soap.²⁹ Even when homeless shelters offer menstrual products, many are still left out. For example, limitations on when residents can use showers and other facilities can leave people with no recourse if they suddenly get their period outside those hours.³⁰ Additionally, transgender men are often turned away from shelters or are harassed or assaulted in them, and so they may not be able to access menstrual supplies even if shelters carry them.³¹ Many people avoid shelters altogether, whether as a result of the side effects of serious mental health issues or the perception (and in many cases, the reality) that homeless shelters are unsafe and unsanitary.³²

Lack of Access in Correctional Facilities

Detained and incarcerated people face even more barriers to accessing menstrual products. In 2016, over 200,000 women and girls were incarcerated in state or federal prisons and jails.³³ Few states require or ensure adequate access to menstrual products in correctional

MENSTRUATION AND RAPE

A Department of Justice investigator revealed that, at the Tutwiler Prison for Women in Alabama, correctional officers would withhold necessary menstrual items in order to coerce prisoners to have sex with them. Prisoners there were forced to choose between the humiliation of going without menstrual products for months at a time and being raped by men who had power over them. The already dangerous power dynamics of prison were significantly worsened by a toxic mindset that menstrual products could be withheld from prisoners. No one should ever have to choose between their right to refuse sex and their right to basic hygiene.

Source: Letter from Jocelyn Samuels, Acting Assistant Attorney General, to Robert Bentley, Gov. of Alabama 14-15 (Jan. 17, 2014), https://www.justice.gov/sites/default/files/crt/legacy/2014/01/23/tutwiler_findings_1-17-14.pdf.

facilities, resulting in dire circumstances for many under their jurisdiction. For example, in one Michigan jail, women detainees were regularly denied access to desperately needed menstrual products.³⁴ Some women there only received such products after begging for them, while others never received them at all. They were therefore forced to use toilet paper to manage menstrual bleeding or else bleed into their prison jumpsuits.³⁵ Because laundry day occurred once a week, they were forced to rewear bloody clothes for up to a full week. In addition, prison staff forced those in their care to compete for limited menstrual products, in one case ordering 30 women to share a pack of 12 pads. This behavior was cruel and senseless — except as a method of humiliation and control. The court nonetheless determined that the deprivation of menstrual products was “de minimis” — too trivial to be considered a violation of the Constitution.³⁶

In an Indiana jail, a woman was provided no products for 36 hours and then was provided only four — three pads and one tampon — for the next two and a half days. She bled through her jumpsuit onto the floor where she was forced to sleep. She was humiliated and subjected to a severely unhygienic environment.³⁷

In such institutions, an imbalance of power can create still more consequences as many facilities require prisoners to ask correctional officers for menstrual products. Officers may use incarcerated people’s basic hygiene needs to coerce them for sexual³⁸ or other favors or to punish them for any reason. They may also use the threat of withholding necessary products to keep prisoners in line or to prevent them from reporting abuse or other harmful conditions. These possibilities are not just abstract: Many prisoners have had to navigate the difficulty of accessing menstrual products that should have been made freely available to them. For example, Maryland legislators heard testimony from women who were denied menstrual products by officers in order to control them.³⁹ A prominent criminal justice reform advocate, formerly incarcerated herself in Connecticut, has publicly recounted the fear and humiliation of having to ask officers for menstrual products knowing that her requests might be derided or even denied.⁴⁰

In cases where products are not provided or are not sufficient, individuals who are incarcerated may have no recourse but to purchase some or all of their monthly supply.⁴¹ Many facilities offer too few or only low-quality pads, such as those without an adhesive. Therefore, those who require more products than the subpar allotment, products that are more effective or more comfortable, or prefer to use tampons, must purchase them from the prison commissary, often at inflated prices.

Incarcerated women usually come from lower-income backgrounds, with more than a third earning less than \$600 per month and more than half unemployed prior to their incarceration.⁴² Once incarcerated, their financial situation only worsens. Prisoners who work in prison jobs earn less than \$3.50 per day on average, and often money that they earn is put towards court fees and other costs.⁴³ Because commissary items in prisons are purchased through outside vendors that often have monopolies on the products they sell, those products may be marked up significantly, making them even more out of reach for indigent prisoners. For example, a box of tampons in a Colorado prison can cost two weeks’ wages;⁴⁴ other states charge similarly high prices and prisoners may therefore be forced to spend multiple days’ wages on products every single

HUMILIATION AND MENSTRUATION

Lack of access to menstrual products can have devastating and permanent effects. Kimberly Haven is a formerly incarcerated woman who had to have an emergency hysterectomy due to toxic shock syndrome after using makeshift tampons in prison. She testified to Maryland legislators in support of a bill to provide menstrual products to incarcerated women and girls. She asked her audience to imagine themselves in the place of those women, who would “refuse visits from family, from attorneys, because they’re embarrassed at having to ... squat and cough — just to have the visit, and when you squat and cough ... and there’s a bloody pad there and you have to throw it away, you now have to walk back to your pod with nothing there, running the risk of bleeding through your clothes and you don’t have access to laundry facilities.”

Source: Hearing on H.B. 797 Before the H. Jud. Comm., 2018 Leg. (Md. 2018) (Statement of Kimberly Haven).

month.⁴⁵ Incarcerated people around the country often must make an impossible choice between accessing medical care, buying menstrual products, and speaking to their families or their attorneys on the phone. As just one example, Florida prisoners earn on average much less than 50 cents per hour,⁴⁶ but have to pay over \$4 for four tampons,⁴⁷ \$2.10 for a 15-minute phone call⁴⁸ and \$5 for a medical visit.⁴⁹

It is not only adult facilities that provide insufficient resources. Young people in juvenile justice facilities may also lack consistent access to menstrual and other hygiene products. One girl who was formerly housed in a juvenile “probation camp” described having such limited access to menstrual products that hers and others’ clothing would get stained from period blood. The stains would not be specially treated on laundry day. This lack of access made her “feel dirty and not cared for.”⁵⁰ A report by the Los Angeles County Board of Supervisors noted that this lack of access to tampons or high quality pads “was a reoccurring concern[.]”⁵¹

Momentum for Change

Advocates have successfully worked to raise awareness and advance menstrual equity on a number of fronts.

Legislation

Overall, there are very few current legal protections to ensure menstrual equity. However, jurisdictions are beginning to recognize the injustice of menstrual inequity, particularly to those who are impoverished or incarcerated and in some places, real change has been effected. Still, much more needs to be done.

In 2016, New York City passed the first menstrual equity legislation in the country. It requires the city's public schools, correctional facilities, and homeless shelters to provide menstrual products.⁵² That law has served as a foundation for advocates across the country at both the state and federal levels. Legislation has become an important way to achieve menstrual equity across the U.S.

Federal

Only one federal law addresses menstrual equity. In 2018, as part of the First Step Act, Congress codified an existing Bureau of Prisons regulation requiring

the provision of free menstrual products in federal women's facilities.⁵³ The Office of the Inspector General had previously determined that, despite the regulation, many facilities were not providing sufficient access, even though free and unlimited provision would not create any security concerns.⁵⁴ Codification of this regulation into federal statute should result in broader adoption and greater enforcement by the Federal Bureau of Prisons. However, without strong accountability measures, this remains to be seen.

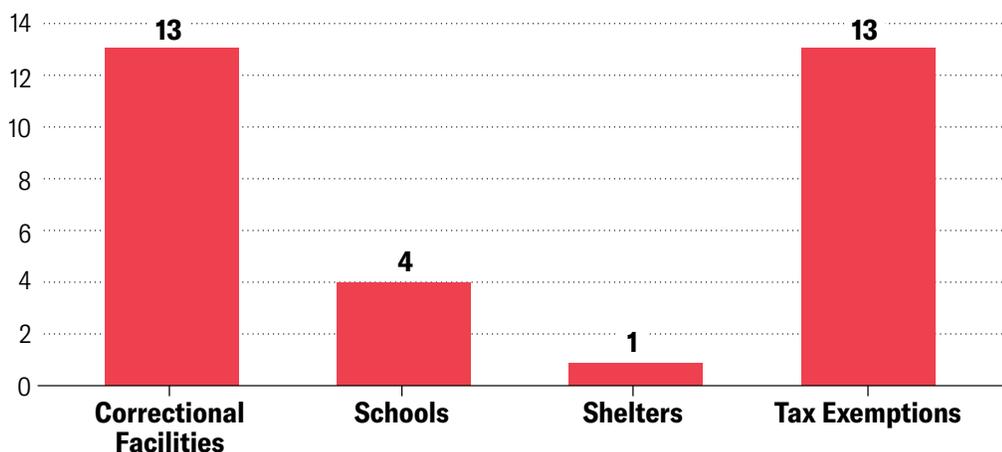
State

In order to determine the status of state menstrual equity laws, we assessed every U.S. state and the District of Columbia for four types of statutes related to menstrual equity:

- **Menstrual equity in correctional institutions:** These laws generally require such institutions to provide as many freely available menstrual products as necessary to detained people who menstruate.
- **Menstrual equity in schools:** These laws ensure public school students have access to menstrual products in school. The laws require menstrual products to be freely available, generally in restrooms, although they do not

FIGURE 1: U.S. STATES WITH MENSTRUAL EQUITY LAWS

Number of states (including DC) with laws addressing menstrual equity issues in institutions or via tax exemptions for menstrual products



Note: Tax exemptions only includes states with specific laws exempting menstrual products. An additional five states do not impose sales taxes on any products, including menstrual products

necessarily provide state funding to schools for implementation.

- Menstrual equity in shelters: These laws require homeless shelters to provide menstrual products to residents or clients.
- Menstrual equity in product taxation, i.e., having no “tampon tax”: The tampon tax is a regular sales tax or value-added tax applied to menstrual products — or, conversely, the failure of the state to otherwise exempt these products from sales tax by placing them in the category of necessity.

Table 1 provides a state by state accounting for these four types of menstrual equity laws (including the District of Columbia): correctional institutions, schools, shelters, and taxation exemption (see Table A1 in the Appendix for bill numbers, key provisions, and dates enacted). As indicated in Table 1, only half of states do not provide any legal mandates regarding menstrual equity and no state ensures all four types of menstrual equity by law.

With regard to laws applying to institutions, only 15 states have any laws mandating access in at least one of three types of institutions (correctional facilities, schools, or shelters). As shown in Figure 1, states were most likely to require correctional institutions, such as prisons, jails, and juvenile detention centers, to provide menstrual products at no cost (13 states had such a law). Some of the laws further specify the type and quality of the products that must be made available (see Table A1 in the Appendix).

Twelve states⁵⁵ and the District of Columbia exempt menstrual products from state sales taxes and five additional states do not charge sales tax at all. States were far less likely to require these products be provided in schools or shelters (see Figure 1). Only four states mandate access to menstrual products in public schools: California, Illinois, New Hampshire, and New York. (It is worth noting that although Tennessee does not have a law requiring schools provide menstrual products, it does explicitly “authorize” schools to do so). However, all of these laws are unfunded mandates, providing no money to schools for such products.

Only one state mandates provision of menstrual products in shelters: Maryland requires homeless shelters to make menstrual products available. Although it does not have a law requiring schools to make menstrual products available to the general student body, the state does require public school nurses to provide them to students who are homeless.⁵⁶

Legal Remedies via Litigation

Lawsuits are an important tool in the fight for menstrual equity. The first lawsuit arguing against the legality of the “tampon tax” was filed in 1989 and successfully argued that the city of Chicago should follow Illinois in classifying menstrual products as medical appliances and therefore exempting them from municipal sales taxes.⁵⁷ The first of a spate of more recent lawsuits was filed in New York State and argued that the sales tax law discriminated on the basis of sex by exempting medical devices, but not menstrual products, from state sales tax.⁵⁸ One author analogized the choice of eliminating taxes on other necessary items but not menstrual products to eliminating sales taxes on religious clothing but not yarmulkes — just as the latter would clearly discriminate against Jewish people, so does the former discriminate on the basis of sex.⁵⁹ Although that lawsuit was voluntarily dismissed after the legislature successfully eliminated the tax, its argument and the surrounding media coverage have been an important catalyst.⁶⁰ Litigation can therefore be an important tool in an advocate’s arsenal, even if a court does not rule on the merits.⁶¹

Advocates have also used lawsuits to force carceral facilities to provide menstrual products to the people they detain. The Eighth Amendment (or the Fourteenth Amendment for pretrial detainees) requires prisons to provide for prisoners’ basic hygiene needs.⁶² Unfortunately, judges have historically not taken lack of access to menstrual products seriously enough. For example, in one case, incarcerated women who were denied access to menstrual products for up to two days bled into their clothes, and they were not provided clean clothes until the weekly wash day. The court dismissed their claim as a minor “delay in delivery.”⁶³ However, in

TABLE 1: MENSTRUAL EQUITY LAWS BY STATE

(inclusive of District of Columbia)

	Correctional Facilities	Schools	Shelters	Tax Exemption
Alabama	X			
Alaska				NA
Arizona				
Arkansas				
California*	X	X		†
Colorado	X			
Connecticut	X			X
Delaware				NA
D.C.	X			X
Florida	X			X
Georgia				
Hawaii				
Idaho				
Illinois		X		X
Indiana				
Iowa				
Kansas				
Kentucky	X			
Louisiana	X			
Maine				
Maryland**	X		X	X
Massachusetts				X
Michigan				
Minnesota				X
Mississippi				
Missouri				
Montana				NA
Nebraska				
Nevada				X
New Hampshire		X		NA
New Jersey				X
New Mexico				
New York	X	X		X
North Carolina				
North Dakota				
Ohio				X
Oklahoma				
Oregon				NA
Pennsylvania				X
Rhode Island				X
South Carolina				
South Dakota				
Tennessee	X			
Texas	X			
Utah				
Vermont				
Virginia	X			
Washington				
West Virginia				
Wisconsin				
Wyoming				
	13	4	1	12

NA: These states do not impose sales taxes on any products, including menstrual products.

* California has temporarily suspended the tax on menstrual products, but only for the next two years. The law allows menstrual products to be taxed, and unless the legislature and governor act, the products will be taxed again starting in 2021. See Taryn Luna, Newsom Faces Criticism for Not Delivering on Grand Promises, THE LOS ANGELES TIMES (May 13, 2019).

** Maryland has a state law that applies to schools, however, it is specific in that it only requires free menstrual products to be provided to students who are homeless, not to all students who may need them. Thus, for the purposes of this analysis, Maryland's law as it applies to schools is not considered broad enough to qualify as a menstrual equity law for schools.

some cases, incarcerated people have been successful in asserting a legal claim. For example, one court held that “[t]he failure to regularly provide prisoners with ... sanitary napkins ... constitutes a denial of personal hygiene and sanitary living conditions” and therefore violated the Constitution.⁶⁴ Additionally, advocates have successfully included access to menstrual products in settlement agreements, bypassing the need to convince a court to rule that their denial is unconstitutional.⁶⁵

In 2019, the American Bar Association explicitly recognized the needless damage caused by the denial of menstrual products in correctional facilities. It adopted a resolution urging lawmakers and institutions to adopt laws and policies providing unrestricted access to menstrual products in those institutions.⁶⁶ It is imperative that other groups follow the lead of the ABA and encourage law and policy makers to support and advance menstrual equity.

What Can You Do? Recommendations for Furthering Menstrual Equity⁶⁷

1. **Fight for accountability.** Ensure that laws that do exist — be it federal law regarding women’s corrections institutions or state laws applying to jails, prisons, schools, and shelters — are properly implemented and enforced. Advocate for audits and demand accountability when evidence arises that institutions are not complying with the laws. Furthermore, as many of these laws are unfunded mandates, advocates should support fully funding these laws in order for institutions to have the resources needed to comply.
2. **Support laws that advance menstrual equity.** This includes those that make menstrual products freely available to people living in poverty, exempt menstrual products from state taxes, and require menstrual products to be freely available to detained and incarcerated people. These laws should specify that a variety of high-quality menstrual products, including both tampons and pads, should be available in unlimited quantities in a freely accessible area and should include an enforcement or reporting mechanism. If there is such a bill pending in your state, make sure to call your representatives to encourage their support and to thank them if they are working to advance menstrual equity.
3. **Advocate that all students have access to free pads and tampons.** Most states do not require that menstrual products be available in public school restrooms. It is not enough that products might be available at the nurse’s office — students should not have to ask an adult for menstrual products but instead should have regular access to them as needed. Products should be available in all restrooms and locker rooms.

4. **Speak to local homeless shelters, food banks, and any organizations that provide on the ground services to homeless people.** Even if they currently do not provide menstrual products, they may be open to doing so. You can organize or participate in drives to raise awareness about the dangers of menstruating while homeless and to collect menstrual products for organizations that work with homeless people. It is critical that all homeless people who menstruate get access to menstrual products, since homelessness is a serious issue in the transgender community;⁶⁸ if only women’s shelters stock menstrual products, transgender men and non-binary people may suffer.
5. **Engage in public education to raise awareness and reduce stigma.** Talk about your own experiences, listen to others, and shut down conversations about how periods are “gross,” or that spread misinformation about how periods work or who menstruates (e.g., that only women and girls menstruate). When we become more comfortable talking about periods and ending the stigma, we are poised to make menstrual equity a reality.

For more information and resources to help advocate in your communities, the ACLU and Period Equity have created an advocacy toolkit. The toolkit is a road map for moving forward — building upon past successes and taking concrete steps to support and advance laws and policies that promote menstrual equity. This toolkit contains model legislative and policy language, talking points for advocates, examples of op-eds and a legislative letter of support, and interviews with advocates about how they accomplished menstrual equity in their states. It can be accessed on the [ACLU website](#).

Conclusion

Menstrual product access can be expensive and the impacts of lack of access are often overlooked. Existing laws and policies can be utilized to make menstrual products more accessible and affordable. In order to ensure that poverty and sexism do not impede people’s ability to participate fully in society, menstrual equity is a must. At a minimum, products should be exempted from sales tax and should be made freely available in schools, shelters, and carceral facilities. Excellent progress has been made in this movement to date — but there is much more work to do at the federal, state, and local level to advance this agenda.

Appendix

TABLE A1. MENSTRUAL EQUITY STATE LEGISLATION IN THE UNITED STATES

(inclusive of District of Columbia) current as of the date of publication

State	Bill Number	Type of Law (tampon taxes; prisons and jails; homeless shelters; schools)	Key Provisions
AL	Al. St. § 14-3-44 (2019); Al. St. § 14-6-19 (2019)	Prisons and jails	Requires county sheriffs and the Department of Corrections to provide pads and tampons upon request.
CA	Cal. Educ. § 35292.6 (2018)	Schools	Public schools with 40 percent pupil poverty thresholds shall stock at least 50 percent of the school's restrooms with menstrual products at all times (including tampons and pads).
CA	Cal. Penal Code § 3409 (2018)	Prisons and jails	All incarcerated people who menstruate must be provided menstrual products upon request.
CO	Colo. Stat. § 26-1-136.5 (2019)	Prisons and jails	Department of Human Services shall provide whichever menstrual products (tampons/pads/pant liners) are requested by a person in jail custody at no cost and without restriction.
CT	Conn. Stat. § 18-69e (2018)	Prisons and jails	Inmates must be provided with tampons/pads upon request as soon as practicable, for free and in a quantity that is appropriate to the health care needs of the inmate.
CT	Conn. Stat. § 12-412 (2018)	Taxes	Exempting menstrual products from sales tax.
DC	DC Code § 47-2005 (2017)	Taxes	Pads, sanitary towels, tampons, and menstrual cups exempted from sales tax.
DE	Del. Stat. Tit. 29 § 8903 (2018)	Prisons and jails	Department of Correction must provide tampons and pads to prisoners at no cost.
DE	Del. Stat. Tit. 29 § 9003 (2018)	Prisons and jails	Department of Services for Children, Youth and Their Families must provide tampons and pads to youth at no cost for children in their facilities.
FL	Fla. Stat. § 944.242 (2019)	Prisons and jails	All correctional facilities must make menstrual products available for free and in an appropriate quantity.
FL	Fla. Stat. § 212.08 (2018)	Taxes	Exempting all products used to absorb menstrual flow from sales tax.
IL	Ill. Stat. Ch. 105 § 5/34-18.56 (2018); Ill. Stat. Ch. 105 § 5/10-20.63 (2018)	Schools	Requires schools to make tampons and pads available at no cost in the bathrooms of school buildings grades 6 through 12.

State	Bill Number	Type of Law (tampon taxes; prisons and jails; homeless shelters; schools)	Key Provisions
IL	Ill. Stat. Ch. 35 § 115/3-5 (30) (2019); Ill. Stat. Ch. 35 § 105/3-4 (2019); Ill. Stat. Ch. 35 § 110/3-5 (2019); Ill. Stat. Ch. 35 § 120/2-5 (2019)	Taxes	Exempts pads, tampons, and menstrual cups from taxes.
KY	Ky. Stat. § 441.055 (2018)	Prisons and jails	Department of Corrections must promulgate “minimum standards” that include an adequate number of menstrual products for prisoners who need them.
LA	La. Rev. Stat. 15 § 892.1 (2018)	Prisons and jails	Requires menstrual products to be provided to all incarcerated women at no cost, in an appropriate quantity, and the products must be available in the housing units and the medical area of the facility.
MA	Mass.gov	Taxes	Exempts menstrual products from sales tax, although it is unclear if this is done statutorily or on another basis.
MD	Md. Corr. Servs. § 9-616 (2018); Md. Corr. Servs. § 4-214 (2018)	Prisons and jails	Each correctional facility must have a written policy in place providing free tampons and pads to inmates upon admission, a routine basis, and request.
MD	Md. Housing & Cmty Dev. § 4-2401 (2017)	Homeless shelters; Schools	Department of Housing and Community Development must make tampons and pads available to people in shelters and homeless students for free.
MD	Md. Tax General § 11-211 (c)(2) (2018)	Taxes	Sales and use tax does not apply to pads, tampons, menstrual sponges, menstrual cups, or other similar products.
MN	Minn. Stat. § 297A.67 (2019)	Taxes	Exempting menstrual products from sales tax.
NV	Nev. Stat. § 374.287 (2019); Nev. Stat. § 372.283 (2019)	Taxes	Exempting menstrual products from sales tax.
NH	NH Rev. Stat. § 189:16-a (2019)	Schools	Requiring the school district to make menstrual products, including tampons and pads, available in gender neutral and female bathrooms in public middle and high schools.
NJ	NJ Stat. 54:32B-8.1 (2017)	Taxes	Exempts “tampons and like products” from sales tax.
NY	NY Correct. § 625 (2019)	Prisons and jails	Pads, tampons, and other menstrual products must be provided at no cost to individuals in state and local correctional facilities where women are detained or confined.
NY	NY Pub. Health § 267 (2018)	Schools	All elementary and secondary schools must provide free menstrual products in the restrooms.
NY	NY Tax § 1115 (2019)	Taxes	Exempts menstrual products from sales tax.
OH	Ohio S.B. 26 (2019)	Taxes	Exempts menstrual products from sales tax.

State	Bill Number	Type of Law (tampon taxes; prisons and jails; homeless shelters; schools)	Key Provisions
PA	Pa. Stat. 72. § 7204 (2019)	Taxes	Exempts pads, tampons, and similar items from sales tax.
RI	RI Stat. § 44-18-30 (2019)	Taxes	Exempts tampons, panty liners, menstrual cups, sanitary napkins, and other similar products from sales, storage, use, or other consumption tax.
TN	Tenn. Code Ann. § 41-21-245 (2019)	Prisons and jails	Requires custodians of all incarcerated women (wardens, sheriffs, law enforcement officers) to provide at no cost and in a reasonable quantity menstrual products in the housing units and medical areas of correctional facilities.
TN	Tenn. Code Ann. § 49-6-452 (2019)	Schools	Each local education agency is authorized to provide menstrual products (to include tampons and pads) at no charge in all women's and girls' bathrooms and locker rooms in school buildings.
TX	Tex. Govt. Code § 501.0675 (2019)	Prisons and jails	Requires Department of Criminal Justice to provide up to 10 menstrual products per day free of charge upon request.
TX	Tex. Govt. Code § 511.009 (2019)	Prisons and jails	Requires the Commission on Jail Standards to adopt rules to provide menstrual products to people detained in jails.
VA	2018 Va. Laws Ch. 815 (H.B. 83)	Prisons and jails	Requires that the Board of Corrections adopt and implement a standard to ensure the provision of menstrual products to detainees, and the Department of Corrections to do so with regard to prisoners.

Endnotes

- 1 *25 Years: Progress on Sanitation and Drinking Water, 2015 Update and MDG Assessment* (New York: UNICEF and World Health Organization, 2015), http://files.unicef.org/publications/files/Progress_on_Sanitation_and_Drinking_Water_2015_Update_.pdf.
- 2 Heather Koball and Yang Jiang, “Basic Facts About Low-Income Children,” National Center for Children in Poverty, Columbia University Mailman School of Public Health, January 2018, http://www.nccp.org/publications/pub_1194.html.
- 3 Janet Upadhye, “This Is How Homeless Women Cope with Their Periods,” *Bustle*, October 18, 2016, <https://www.bustle.com/articles/190092-this-is-how-homeless-women-cope-with-their-periods>.
- 4 Chandra Bozelko, “Prisons That Withhold Menstrual Pads Humiliate Women and Violate Basic Human Rights,” *The Guardian*, June 12, 2015, <https://www.theguardian.com/commentisfree/2015/jun/12/prisons-menstrual-pads-humiliate-women-violate-rights>.
- 5 See TAX FREE PERIOD., www.taxfreeperiod.com (last visited Sept. 5, 2019).
- 6 JENNIFER WEISS-WOLF, PERIODS GONE PUBLIC XVI (2017).
- 7 See Padma Das et al., Menstrual Hygiene Practices, WASH Access and the Risk of Urogenital Infection in Women from Odisha, India, *PLoS ONE* 2 (June 30, 2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4488331/>; Penelope A. Phillips-Howard et al., Menstrual Cups and Sanitary Pads to Reduce School Attrition, and Sexually Transmitted and Reproductive Tract Infections: A Cluster Randomised Controlled Feasibility Study in Rural Western Kenya, *BMJ OPEN* 1 (Nov. 1, 2016), <https://bmjopen.bmj.com/content/bmjopen/6/11/e013229.full.pdf> (citing studies and showing that access to menstrual hygiene products significantly lowered STI and vaginitis risk); Evy Gillet et al., Bacterial Vaginosis Is Associated With Uterine Cervical Human Papillomavirus Infection: A Meta-Analysis, *BMC INFECTIOUS DISEASES* 6 (2011), <https://bmcinfectdis.biomedcentral.com/track/pdf/10.1186/1471-2334-11-10>.
- 8 See CENTERS FOR DISEASE CONTROL AND PREVENTION, GENITAL HPV INFECTION – FACT SHEET, <https://www.cdc.gov/std/hpv/stdfact-hpv.htm> (2017).
- 9 See Rochaun Meadows-Fernandez, *Getting Your Period Can Be a Pain. Getting It While Homeless Is Even Worse*, YES MAGAZINE (July 27, 2017), <https://www.yesmagazine.org/people-power/getting-your-period-can-be-a-pain-getting-it-while-homeless-is-even-worse-20170727>. See also THE FACTS ON TAMPONS – AND HOW TO USE THEM SAFELY, U.S. FOOD & DRUG ADMIN. (updated Sept. 12, 2018), <https://www.fda.gov/consumers/consumer-updates/facts-tampoons-and-how-use-them-safely>.
- 10 See Hanna Brooks Olsen, *How Much Does a Period Cost Anyway?*, MEDIUM (Oct. 16, 2017), <https://medium.com/s/bloody-hell/how-much-does-a-period-cost-anyway-6a2263828ae3>.
- 11 See Linda Carroll, *Even in the U.S., Poor Women Often Can’t Afford Tampons, Pads*, REUTERS (Jan. 10, 2019), <https://www.reuters.com/article/us-health-menstruation-usa/even-in-the-u-s-poor-women-often-cant-afford-tampoons-pads-idUSKCN1P42TX>
- 12 See Torey Van Oot, *Here’s How Much the Tampon Tax is Still Costing American Women*, INSTYLE (Nov. 10, 2018), <https://www.instyle.com/lifestyle/tampon-tax-meaning-real-cost>.
- 13 See Nicole Kaeding, *Nevada Question 2: Exempting Feminine Hygiene Products from the Sales Tax*, TAX FOUNDATION (Sept. 7, 2018), <https://taxfoundation.org/nevada-question-2-exempting-feminine-hygiene-products-sales-tax/> (Since the article was published, Nevada and Rhode Island have also exempted menstrual products from sales tax, see Andrea Diaz, *Nevada Becomes the 10th State to Eliminate a “Pink Tax” on Menstrual Products*, CNN (Nov. 7, 2018), <https://www.cnn.com/2018/11/07/health/nevada-tampon-tax-repealed-trnd/index.html>; Rachel Nunes, *New State Budget Eliminates “Tampon Tax” in Rhode Island*, PATCH (June 23, 2019), <https://patch.com/rhode-island/newport/new-state-budget-eliminates-tampon-tax-rhode-island>.
- 14 See Ema Sagner, *More States Move To End “Tampon Tax” That’s Seen As Discriminating Against Women*, NAT’L PUB. RADIO (Mar. 25, 2018), <https://www.npr.org/2018/03/25/564580736/more-states-move-to-end-tampon-tax-that-s-seen-as-discriminating-against-women>; see also Weiss-Wolf, *supra* note 6, at 143-44 (listing items exempted from state sales tax in states that tax menstrual products, including Pixy Stix, golf club memberships, and garter belts).
- 15 See U.S. DEP’T OF AGRICULTURE FOOD AND NUTRITION SERVICE, WOMEN, INFANTS AND CHILDREN: ABOUT WIC – WIC AT A GLANCE (2015), <https://www.fns.usda.gov/wic/about-wic-wic-glance>.
- 16 See U.S. DEP’T OF AGRICULTURE FOOD AND NUTRITION SERVICE, SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: WHAT CAN SNAP BUY? (2017), <https://www.fns.usda.gov/snap/eligible-food-items> (food stamps); U.S. DEP’T OF AGRICULTURE FOOD AND NUTRITION SERVICE, WOMEN, INFANTS AND CHILDREN: FREQUENTLY ASKED QUESTIONS ABOUT WIC (2018), <https://www.fns.usda.gov/wic/frequently-asked-questions-about-wic>.
- 17 See U.S. DEP’T OF AGRICULTURE, OFFENSES INVOLVING FEDERAL FOOD STAMP BENEFITS, <https://www.usda.gov/oig/webdocs/foodstamp.PDF>.
- 18 See Roni Caryn Rabin, *Free the Tampons*, NEW YORK TIMES (Feb. 29, 2016), <https://well.blogs.nytimes.com/2016/02/29/free-the-tampoons/>.
- 19 See Seth Freed Wessler, *Timed Out on Welfare, Many Sell Food Stamps*, TYPE INVESTIGATIONS (Feb. 16, 2010), <https://www.typeinvestigations.org/investigation/2010/02/16/timed-welfare-many-sell-food-stamps/>.
- 20 See *Get the Facts: Why You’ll Need Maxi Pads Postpartum*, HEALTHLINE, <https://www.healthline.com/health/pregnancy/postpartum-pads#2> (recommending that postpartum people “stock up on maxi pads”).
- 21 See Valerie Strauss, *Free Tampons for Girls, an End to “Meal-Shaming” – and More in New State Laws Affecting Schools*, THE WASHINGTON POST (Jan. 6, 2018), https://www.washingtonpost.com/news/answer-sheet/wp/2018/01/06/free-tampoons-for-girls-an-end-to-meal-shaming-and-more-in-new-state-laws-affecting-schools/?utm_term=.75a937b31745.
- 22 See Liza Ramrayka, *Kids in America Are Missing School Because They Can’t Afford Toothpaste and Tampons*, HUFFPOST (May 9, 2019), https://www.huffpost.com/entry/hygiene-pantries-child-poverty-public-school-teachers_n_5cd2ec92e4b07ce6ef790381.
- 23 See *Break the Barriers*, PLAN INTERNATIONAL (Jan. 2018), <https://plan-uk.org/act-for-girls/girls-rights-in-the-uk/break-the-barriers-our-menstrual-manifesto>.
- 24 See Amelia Ferrell Knisely, *Teen Girls are Missing School Because They Don’t Have Access to Feminine Hygiene Products*, TENNESSEAN (Aug. 14, 2018), <https://www.tennessean.com/story/news/education/2018/08/14/lack-feminine-hygiene-products-keeps-girls-out-school/948313002/>.
- 25 See Eleanor Goldberg, *Why Many Native American Girls Skip School When They Have Their Periods*, THE HUFFINGTON POST (Aug. 29, 2017), https://www.huffingtonpost.com/entry/what-its-like-to-be-a-teen-in-the-us-who-cant-afford-tampoons_us_597216dde4b09e5f6cceddff.
- 26 See Emma García & Elaine Weiss, *Student Absenteeism*, ECONOMIC POLICY INSTITUTE (Sept. 25, 2018), <https://www.epi.org/publication/student-absenteeism-who-misses-school-and-how-missing-school-matters-for-performance/>.
- 27 See CHRONIC ABSENTEEISM AND ITS IMPACT ON ACHIEVEMENT, UNIVERSITY OF DELAWARE CENTER FOR RESEARCH IN EDUCATION & SOCIAL POLICY (June 2018), https://www.cresp.udel.edu/wp-content/uploads/2018/07/P18-002.5_final.pdf.
- 28 See Janet Upadhye, *This Is How Homeless Women Cope With Their Periods*, BUSTLE (Oct. 18, 2016), <https://www.bustle.com/articles/190092-this-is-how-homeless-women-cope-with-their-periods>; see also Liz Farmer, *Menstruating While Homeless: An Ignored, Inescapable Issue*, GOVERNING.COM (Apr. 2, 2015) <http://www.governing.com/topics/health-human-services/gov-homeless-women-georgia-fells-femme.html>.

- 29 See Allegra Parrillo, *Menstrual Hygiene Plight of Homeless Women, a Public Health Disgrace*, RIMED JOURNAL (Dec. 14, 2017), <http://www.rimed.org/rimedicaljournal/2017/12/2017-12-14-pov-parrillo.pdf>.
- 30 Lisa De Bode, *Hygiene and Heartache: Homeless Women's Daily Struggle to Keep Clean*, AL JAZEERA AMERICA (Jan. 13, 2015), <http://america.aljazeera.com/articles/2015/1/13-scared-to-walk-thetreet.html>.
- 31 Gabby Bess, *Periods are Miserable When You're Homeless. This Woman is Trying to Help*, BROADLY (Dec. 3, 2015), https://broadly.vice.com/en_us/article/kb4vne/periods-are-miserable-when-youre-homeless-this-woman-is-trying-to-help.
- 32 See *Why Some Homeless Choose the Streets Over Shelters*, NATIONAL PUBLIC RADIO (Dec. 6, 2012), <https://www.npr.org/2012/12/06/166666265/why-some-homeless-choose-the-streets-over-shelters>.
- 33 See ZHEN ZENG, U.S. DEP'T OF JUSTICE BUREAU OF JUSTICE STATISTICS, JAIL INMATES IN 2016 9 (Feb. 2018), <https://www.bjs.gov/content/pub/pdf/ji16.pdf> (jails); E. ANN. CARSON, U.S. DEP'T OF JUSTICE BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2016 3 (Jan. 2018), <https://www.bjs.gov/content/pub/pdf/p16.pdf> (prisons). This number does not include transgender women who are incarcerated in men's prisons.
- 34 Complaint at 13-14, *Semelbauer v. Muskegon County*, 2015 WL 9906265 (W. D. Mich. 2014) (No. 1:14-cv-01245-JTN), <https://www.clearinghouse.net/chDocs/public/JC-MI-0010-0001.pdf>.
- 35 See also YOU MISS SO MUCH WHEN YOU'RE GONE n.179, HUMAN RIGHTS WATCH (2018) <https://www.hrw.org/report/2018/09/26/you-miss-so-much-when-youre-gone/lasting-harm-jailing-mothers-trial-oklahoma> (telling the story of an incarcerated woman in Oklahoma who was denied access to menstrual products).
- 36 *Semelbauer*, 2015 WL 9906265 at *9-10 (The outcome of this case is discussed in more detail below).
- 37 See Lexy Gross, *Suit: Clark Jail Denies Women Hygiene Products*, COURIER JOURNAL (May 31, 2016), <https://www.courier-journal.com/story/news/local/indiana/2016/05/31/suit-clark-jail-denied-woman-hygiene-products/85193988/>.
- 38 See Melissa Jeltsen, *Providing Free Pads and Tampons to Incarcerated Women is About More Than Just Hygiene*, HUFFINGTON POST (June 23, 2016), https://www.huffingtonpost.com/entry/new-york-prisons-periods_us_576bfcade4b0b489bb0c901b.
- 39 See Brian Witte, *No Tampons in Prison? #MeToo Helps Shine Light on Issue*, ASSOCIATED PRESS (Mar. 27, 2018), <https://www.apnews.com/6a1805c4e8204e5b84a0c549ff9b7a31>.
- 40 See Chandra Bozelko, *Prisons that Withhold Menstrual Pads Humiliate Women and Violate Basic Rights*, THE GUARDIAN (June 12, 2015), <https://www.theguardian.com/commentisfree/2015/jun/12/prisons-menstrual-pads-humiliate-women-violate-rights>.
- 41 See Lydia O'Connor, *Federal Prisons Made Menstrual Products Free. Now Some States May Follow Suit*, HUFFINGTON POST (Feb. 7, 2018), https://www.huffingtonpost.com/entry/state-prison-free-pads-tampons_us_5a7b427be4b08dfc92ff5231. See also Samantha Michaels, *Jail Is a Terrible Place to Have a Period. One Woman Is On a Crusade to Make It Better*, MOTHER JONES (Feb. 21, 2019), <https://www.motherjones.com/crime-justice/2019/02/jail-california-tampons-menstruation-paula-canny-sanitary-pads/>.
- 42 See LAWRENCE A. GREENFELD & TRACY L. SNELL, U.S. DEP'T OF JUSTICE BUREAU OF JUSTICE STATISTICS, WOMEN OFFENDERS 8 (Revised Oct. 2000), <https://www.bjs.gov/content/pub/pdf/wo.pdf>.
- 43 See Wendy Sawyer, *How Much Do Incarcerated People Earn in Each State?*, PRISON POLICY INITIATIVE BLOG (Apr. 10, 2017), <https://www.prisonpolicy.org/blog/2017/04/10/wages/> [hereinafter Sawyer, *How Much?*].
- 44 See *id.*
- 45 In Pennsylvania, tampons can cost more than 21 cents each; PENNSYLVANIA CORRECTIONAL INDUSTRIES FEMALE GEN. POP. COMMISSARY LIST 6, <https://www.cor.pa.gov/Inmates/Commissary%20Catalogs/Female%20General%20Population.pdf> (last visited Nov. 5, 2018); medical co-pays are \$5, see Wendy Sawyer, *The Steep Cost of Medical Co-pays in Prison Puts Health at Risk*, PRISON POL'Y INITIATIVE (Apr. 19, 2017) [hereinafter Sawyer, *The Steep Cost?*], <https://www.prisonpolicy.org/blog/2017/04/19/copays/>, and a 15-minute phone call costs 90 cents, PENNSYLVANIA STATE PRISON PHONE RATES AND KICKBACKS, PRISON PHONE JUSTICE, <https://www.prisonphonejustice.org/state/PA/> (last visited Nov. 20, 2018); prisoners there may earn \$1 per day, see Sawyer, *How Much*, *supra* note 32, but 20 to 50 percent of a prisoner's income is deducted for court fees. See Pennsylvania Dept. of Corrections, Frequently Asked Questions [https://www.cor.pa.gov/Inmates/Pages/Frequently-Asked-Questions-\(FAQ's\).aspx](https://www.cor.pa.gov/Inmates/Pages/Frequently-Asked-Questions-(FAQ's).aspx) (last visited Nov. 5, 2018). In one jail system in Oklahoma, commissary products are often marked up at least 200%, see Corey Jones and Curtis Killman, *Tulsa County Jail Commissary Nets \$400K in Six Months with 9 in 10 Items Marked Up at Least Double Wholesale Costs*, TULSA WORLD (May 16, 2018), https://www.tulsaworld.com/news/crimewatch/tulsa-county-jail-commissary-nets-k-in-six-months-with/article_b9428eaa-0fc4-5674-ab54-c33997661c87.html, prisoners must pay \$4 to see the doctor, see Sawyer, *The Steep Cost*, *supra* note 46, and a 15-minute phone call costs \$3, OKLAHOMA STATE PRISON PHONE RATES AND KICKBACKS, PRISON PHONE JUSTICE, <https://www.prisonphonejustice.org/state/OK/> (last visited Nov. 20, 2018); inmates may earn no more than \$20 per month – and some may have incarceration or medical costs deducted from that amount. See STATE OF OKLAHOMA DEP'T OF CORRECTIONS, FREQUENTLY ASKED QUESTIONS, <http://doc.ok.gov/frequently-asked-questions1> (last visited Nov. 11, 2018). In Kansas, prisoners may earn more than \$1.05 per day, of which outstanding obligations are automatically garnished and 10 percent of what remains is diverted to a forced savings account. See KANSAS DEP'T OF CORRECTIONS, INMATE TRUST ACCOUNTS, <https://www.doc.ks.gov/facilities/faq/banking> (last visited Nov. 5, 2018). Tampons cost almost 33 cents each, see KANSAS CORRECTIONAL INDUSTRIES COMMISSARY MENU 3, <https://www.doc.ks.gov/facilities/canteen/menus/tcf> (last visited Nov. 5, 2018), medical co-pays are \$2, see Sawyer, *The Steep Cost*, *supra* note 46, and a 15-minute phone call costs \$2.70, KANSAS STATE PRISON PHONE RATES AND KICKBACKS, PRISON PHONE JUSTICE, <https://www.prisonphonejustice.org/state/KS/> (last visited Nov. 20, 2018).
- 46 See Monivette Cordeiro, *Florida Prisoners Plan to Strike Against Unpaid Labor, Brutal Conditions*, ORLANDO WEEKLY BLOG (Jan. 15, 2018.), <https://www.orlandoweekly.com/Blogs/archives/2018/01/15/florida-prisoners-plan-to-strike-against-unpaid-labor-brutal-conditions>.
- 47 See Ben Conarck, *Florida Prisons Roll Out More For-Profit services While Weighing Visitation Cuts*, THE FLORIDA-TIMES UNION (June 1, 2018), <https://www.jacksonville.com/news/20180601/florida-prisons-roll-out-more-for-profit-services-while-weighing-visitation-cuts>.
- 48 See FLORIDA STATE PRISON PHONE RATES AND KICKBACKS, PRISON PHONE JUSTICE, <https://www.prisonphonejustice.org/state/FL/> (last visited Nov. 20, 2018).
- 49 See Sawyer, *The Steep Cost*, *supra* note 46.
- 50 ANGELA M. CHUNG ET AL., CHILDREN'S DEFENSE FUND OF CALIFORNIA, RISING UP, SPEAKING OUT: YOUTH TRANSFORMING LOS ANGELES COUNTY'S JUVENILE JUSTICE SYSTEM 13 (Jan. 2015) <https://www.cdfca.org/wp-content/uploads/sites/4/2018/09/rising-up-speaking-out.pdf>.
- 51 Motion by Supervisors Mark Ridley-Thomas and Hilda Solis, *Promoting Dignity for Young Women and Girls in the Probation Camps and Juvenile Halls 2* (Jan. 10, 2017), <http://file.lacounty.gov/SDSInter/bos/supdocs/110532.pdf>.
- 52 N.Y. Admin. Code §§ 9-141, 12-207, 21-968 (2016).
- 53 First Step Act of 2018, Pub. L. No. 115-391, § 611 (2018); U.S. DEP'T OF JUSTICE, OPERATIONS MEMORANDUM 003-2018 (2018), <https://www.bop.gov/policy/om/003-2018.pdf>.
- 54 See U.S. DEP'T OF JUSTICE OFFICE OF THE INSPECTOR GENERAL, REVIEW OF THE FEDERAL BUREAU OF PRISONS' MANAGEMENT OF ITS FEMALE INMATE POPULATION 29-30 (Sept. 2018), <https://oig.justice.gov/reports/2018/e1805.pdf>.
- 55 Massachusetts exempts menstrual products from the sales tax, but it is unclear if it does so via statute, regulation, or other maneuver. See GUIDE: SALES AND USE TAX, MASS.GOV, <https://www.mass.gov/guides/>

sales-and-use-tax#-tax-exempt-items-&-sales- (last visited Sept. 12, 2019).

- 56 See MD. CODE, HOUS. & CMTY DEV. § 4-2401 (2017).
- 57 *Geary v. Dominick's Finer Foods, Inc.*, 544 N.E.2d 344, 355 (Ill. 1989).
- 58 See Handel Destinvil, *New York Residents File Suit to Eliminate the "Tampon Tax."* AMERICAN BAR ASSOCIATION (Mar. 29, 2016), <https://www.americanbar.org/groups/litigation/committees/minority-trial-lawyer/practice/2016/ny-residents-file-suit-eliminate-tampon-tax/>.
- 59 See Bridget J. Crawford & Emily Gold Waldman, *The Unconstitutional Tampon Tax*, 53 U. RICH. L. REV. 439, 442 (2018).
- 60 See Victoria Hartman, NOTE, *End the Bloody Taxation: Seeing Red on the Unconstitutional Tax on Tampons*, 112 NORTHWESTERN U. L. REV. 313, 330 (2017).
- 61 For a more detailed description of these and other lawsuits, see Jennifer Weiss-Wolf, *U.S. Policymaking to Address Menstruation: Advancing an Equity Agenda*, 25 WILLIAM & MARY J. OF RACE, GENDER, AND SOCIAL JUSTICE 493, 514-17 (2019).
- 62 See *Dawson v. Kendrick*, 527 F. Supp. 1252, 1288-89 (S.D.W. Va. 1981) (holding unconstitutional the unjustified denial of hygiene products, including access to sanitary napkins).
- 63 *Semelbauer v. Muskegon Cty.*, No. 14-cv-1245, 2015 WL 9906265, at *9-10 (E.D. Mich. Sept. 11, 2015).
- 64 *Dawson v. Kendrick*, 527 F. Supp. 1252, 1288-89 (S.D.W.V. 1981).
- 65 Press Release, American Civil Liberties Union of Michigan, *Mistreatment of Women at the Muskegon County Jail* (July 24, 2017), <http://www.aclumich.org/article/abhorrent-conditions-confinement-muskegon-county-jail>; See Consent Decree, *United States v. Alabama*, No. 2:15-cv-00368-MHT:TFM 24 (M.D. Ala. June 18, 2015), https://www.justice.gov/sites/default/files/crt/legacy/2015/07/09/tutwiler_agreement_6-18-15.pdf.
- 66 CRIM. JUST. SEC., A.B.A. RESOLUTION AND REPORT (2019), https://www.americanbar.org/content/dam/aba/images/news/2019mymhodres/109c.pdf?utm_source=Advocates&utm_campaign=6d7553c7b5-EMAIL_CAMPAIGN_2018_06_25_10_14_COPY_01&utm_medium=email&utm_term=0_b563ac79cd-6d7553c7b5-38640577.
- 67 Many of these recommendations come from WEISS-WOLF, *supra* note 6.
- 68 See NAT'L CTR. FOR TRANSGENDER EQUALITY, ISSUES: HOUSING AND HOMELESSNESS, NATIONAL CENTER FOR TRANSGENDER EQUALITY <https://transequality.org/issues/housing-homelessness> (last visited Nov. 5, 2018).