

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 799 Session of 2023

INTRODUCED BY OTTEN, SANCHEZ, GIRAL, MADDEN, HOHENSTEIN, HILL-
EVANS, RABB, ISAACSON, KINSEY, FREEMAN, T. DAVIS, HANBIDGE,
CIRESI, GUENST, PROBST, BURGOS, KHAN, KRAJEWSKI, CEPEDA-
FREYTIZ, SAMUELSON, SHUSTERMAN, D. WILLIAMS, DELLOSO,
FIEDLER, KINKEAD, WARREN, O'MARA, MALAGARI, CURRY, GILLEN AND
MAYES, APRIL 3, 2023

REFERRED TO COMMITTEE ON EDUCATION, APRIL 3, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in school health services, providing
6 for menstrual hygiene products.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 1426. Menstrual Hygiene Products.--(a) Each school
13 serving any student in grades six through twelve shall make
14 menstrual hygiene products available at no cost in each bathroom
15 in the school building.

16 (b) The following menstrual hygiene products shall be made
17 available under subsection (a):

18 (1) A choice of at least two sizes or absorbencies of

1 sanitary pads that are capable of absorbing at least five
2 milliliters of liquid.

3 (2) A choice of at least two sizes or absorbencies of
4 tampons that are capable of absorbing at least four milliliters
5 of liquid.

6 (c) (1) In order to facilitate the prompt implementation of
7 this section, regulations promulgated by the department shall be
8 deemed temporary regulations and shall expire no later than two
9 years following the publication of temporary regulations. The
10 department may promulgate temporary regulations not subject to:

11 (i) Sections 201, 202, 203, 204 and 205 of the act of July
12 31, 1968 (P.L.769, No.240), referred to as the Commonwealth
13 Documents Law.

14 (ii) Section 204(b) of the act of October 15, 1980 (P.L.950,
15 No.164), known as the "Commonwealth Attorneys Act."

16 (iii) The act of June 25, 1982 (P.L.633, No.181), known as
17 the "Regulatory Review Act."

18 (2) The authority provided to the department to adopt
19 temporary regulations under this subsection shall expire no
20 later than two years following the publication of temporary
21 regulations. Regulations adopted after this period shall be
22 promulgated as provided by law.

23 (d) As used in this section:

24 "Charter school" means a school established under Article
25 XVII-A.

26 "School" means a school within a school district, an
27 intermediate unit, an area career and technical school or a
28 charter school.

29 Section 2. This act shall take effect as follows:

30 (1) This section and the addition of section 1426(c) of

1 the act shall take effect immediately.

2 (2) The remainder of this act shall take effect in 120
3 days.