

TESTIMONY OF MEAGAN SWAY

**LD 348 – Ought to Pass**

**An Act to Make Menstrual Products Available in Certain Schools**

JOINT STANDING COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

May 9, 2023

Senator Rafferty, Representative Brennan and distinguished members of the Joint Standing Committee on Education and Cultural Affairs, greetings. My name is Meagan Sway, and I am Policy Director of the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I submit this testimony in favor of LD 348.

Since 1972, the ACLU's Women's Rights Program been working to secure gender equality and ensure that all women and girls can lead lives of dignity, free from discrimination. This legislation fits squarely within that work. Menstrual equity is a basic equity issue. As scholar and activist Jennifer Weiss-Wolf has written, "In order to have a fully equitable and participatory society, we must have laws and policies that ensure menstrual products are safe and affordable and available for those who need them."<sup>1</sup>

Menstruation is a natural monthly occurrence, experienced by over half the population for much of their lives, and should not be treated differently than any other basic bodily function. It's unhygienic to not to have access to menstrual products, no less so than to lack access to toilet paper.

Lack of access to menstrual products as the result of policies that do not consider the needs of people who menstruate in schools is a form of gender-based exclusion. Failure to consider menstrual needs is a form of sex-based discrimination that disproportionately affects women. Furthermore, lack of access can be particularly harmful to nonbinary people and transgender men who have disproportionate rates of poverty.

Young people experiencing poverty are most affected by lack of access to menstrual products. These individuals, who are dependent on their parents for

---

<sup>1</sup> Jennifer Weiss-Wolf, *Periods Gone Public: Taking a Stand for Menstrual Equity* xvi (2017).

resources, often cannot afford sufficient menstrual products and so disproportionately suffer the medical<sup>2</sup> and psychological impact of reusing products, using products for longer than indicated, or not using any products at all. They are also more likely to have to suffer the societal effects of lack of access including problems with school attendance and the appearance of being unhygienic. Nobody in Maine should have to miss school simply because they cannot afford menstrual products.

For schools to be equitable places of learning where every student has the chance to succeed, they must provide free menstrual products to everyone who menstruates. We urge you to support this legislation.

---

<sup>2</sup> The potential medical issues facing people without access to menstrual products, include infections that can cause susceptibility to cervical cancer and infertility.