

**Jon Wainwright:** Hello, and welcome to "California Lawmaking In Depth." I'm Jon Wainwright. Today, we are talking with Erinn Ryberg. She is the Leg Director for Assembly Woman Cristina Garcia. Today, we're going to be talking about one of the bills that her member carried this past session, AB 10.

**Erinn Ryberg:** Thanks for having me.

**Jon:** Thank you so much for coming on. This is an In Depth podcast.

What we're going to be doing is looking at one specific bill; in this case it's AB 10. We're going to walk through the process that bill went through from idea, inception, to where it is now.

What was AB 10? We'll start there.

**Erinn:** AB 10 is about access to tampons. It would provide free tampons, menstrual pads, any menstrual products in schools, for girls. The original bill was schools and homeless shelters, but as we talk about the bill, I can say how that got whittled down a bit.

Initially, the idea was free tampons for girls.

**Jon:** Where did this idea come from, initially?

**Erinn:** The idea came from the fact that if a girl can't afford a pad or a tampon, then they don't go to school. We have a great study that came out of New York state, and said they just implemented a program to provide free menstrual products in schools and homeless shelters. As a result, the truancy rates for the girls went down two or three percent, which is huge for them.

It all comes back to the issue is that if girls and families can afford these products, then the girls just stay home. My boss was hearing these awful stories of girls having to use newspaper, or socks, or anything to just be able to go to school, and same with the homeless shelters.

I think it got my boss thinking about unfair this is, that this is something that only affects one gender, and something that is affecting their ability to function, go to school, and be productive members of society.

Why should a tampon be treated any different than toilet paper that we supply in the bathrooms, or a paper towel?

Like I said, New York just did it. They had a study a few years ago. Now they've implemented a law and we think it's time to bring it to California.

**Jon:** Just to back it up a little bit, since we're working off a study that was done in New York. How big of a problem was this in California?

**Erinn:** The problem is we don't have any numbers on this. A girl who doesn't go to school isn't going to tell her teacher the next day, "Well, I didn't go to school because I was on my period, and I couldn't afford a pad, and so I stayed home."

The numbers on this are very hard to come up with. They're not around. We were lucky that we had some numbers from New York, because they did a study prior to implementing the law. That's how they were able to get some more of their numbers.

Like so many bills that we do, we only know of the women that came forward to us, the teachers that came forward to us, the students that came forward saying that this was actually an issue on their campuses.

**Jon:** These people that were coming forward, this was coming out of the district, or just...?

**Erinn:** Statewide.

**Jon:** Statewide.

**Erinn:** My boss is the chair of the Legislative Women's Caucus. Because of that, she represents women across the entire state, and so we have a lot of constituents throughout California.

[laughter]

**Jon:** Understandably. There are a lot of women in California. Was this a bill that was drafted here in your office, or was there some language that was brought to you to work with to get things rolling?

**Erinn:** No, it was drafted in our office, so it was authored legislation compared to sponsored legislation. Obviously, as we've gone through the process, we have gotten a lot of support and a lot of sponsors, and this wouldn't have been possible without them, but ultimately, it was drafted by our office.

We had to look at the code sections, see where the best place to fit it in would be, and ultimately we decided to put it in the section that requires schools to provide free toilet paper and paper towels in their bathrooms, because if they have to require that for the cleanliness of students and for their health, then tampons and other sanitary products should be included in that same section.

**Jon:** We've talked about the start now, so we'll hit the bill. It's been introduced. What were the next steps, there? Where did it go from there?

**Erinn:** This bill's an example of a bill that was double-referred, actually, ultimately, triple-referred, including the Fiscal Committee, which normally is a death sentence for a bill, but this was only because it provided free products in homeless shelters, which is under the jurisdiction of Housing. Then it also provided free products for schools, so that's under the jurisdiction of Education.

It was the same argument in those two committees, but homeless shelters versus education. Different issues can come up in each. One of the big obstacles that we heard from homeless shelters is, yes, they want to provide these products, but where do they store them? How many do you have to keep on site? Can somebody just walk in and grab one and go? So just implementation issues.

The Education Committee, I guess their concern was that the focus should only be on low-income schools, that if you are from a wealthier family or a middle class family, they can afford these products. You shouldn't have to provide them for free in those schools.

The comeback that my boss argued is one of the reasons behind this bill is because some girls cannot afford these products. Another issue, though, is the fact that a girl can get her period at any time, at any time of the day, any month, and so we want this bill to cover those girls that went to school not on their period, and all of the sudden, recess came, they're on their period, and instead of them going home, they should be able to have these products in their bathrooms.

Another issue that came up is a lot of nurses at schools provide these products, and a lot of teachers provide these products, but we don't want girls to have to go up to their male teacher or to ask to go to the nurse's office, to walk to the nurse's office to get their product, to come back, and now she's just missed out on 15 minutes of class for something that could have been stopped in the bathroom 10 feet from her classroom.

It went through those committees. It went through the Fiscal Committee, and Fiscal Committee is where it drastically changed form. [laughs]

**Jon:** I have no doubt. I feel like you have to deal with the stigma, too. Society kind of puts a stigma around having your period. Right or wrong as that is, it's like you don't have to have that extra step of having to deal with this stigmatized thing to get something you need.

**Erinn:** Especially given the age groups that we're dealing with. A girl that's just started her period in eighth or ninth grade is very different from a 30- or 40-year-old woman. You want to be the same as your classmates and not treated any differently, but you're also dealing with all these changes with your body, and maybe not having a home life that can explain it to you.

Ultimately, we want to combat the stigma. We want to make sure girls stay in school, and just realizing that yes, we're half the population, and yes, we have periods because we're the ones that actually have the babies, to actually procreate. Yet we have this stigma on us, and this extra burden that's on us, that nobody's really helping to deal with the cost of it.

**Jon:** Aside from Housing, you had questions of how does this get implemented. In Education, you had questions of, "Do we just put this in districts that are low-income, or do we do it statewide?" Were there any other big things that came up in those policy committees, where you had to make any changes to the bill, or did it mostly get out of those committees unscathed?

**Erinn:** It got out unscathed. I think we only had one "No" vote from one Republican in Education, that same one that wanted it to be targeted to just low-income schools. The discussions in the committees were great.

We had even the chair of the education committee, who is a male, but a former teacher, he gave all these examples of girl students that would come up to him and couldn't really say what they needed or what they wanted, but clearly something was wrong, and then they'd miss school. He said that he's lived it.

We had another member bring up the fact that the Assembly members and Senators get free tampons in their members' lounge, and yet we won't provide it for students in schools.

You go to some nicer restaurants. I've been to ski resorts. They have them in the bathrooms. It's a normal part of life, and they consider that, and they stock it. In schools, that's where our kids are the majority of their day, and so it makes sense to include them there as well.

**Jon:** I think that leads us then into the fiscal committee, which I can see right up front, you are running into an issue of this is a new thing that schools are providing for free. Public school budgets are strapped enough as it is, so where the hell's the money coming from?

**Erinn:** Exactly, and yeah, the money was a lot, and actually it was a lot up front, because it's implementing the systems and the canisters to put the products in. It's not as easy as allowing the existing containers to just not accept coins. We wanted to do a delayed service, so then that way somebody couldn't grab 10 products and then leave with them, making sure that there's enough for everybody.

It's putting these canisters in that can actually hold the products. Once that expense has passed, then it's just the upkeep, which is not that expensive, but yes, given our budget and especially our schools' budget, is hard.

Our ultimate goal, and what we had planned all along is we are tying this to California's truancy rate, in that the more girls that have these products that can stay in school, every student that attends school, that school gets so much money per day. It's around \$150 a day, so if they're in school, the school's making \$150.

If they're at home because they can't afford a tampon and they have to stay at home, that school's losing out on \$150. We wanted it to say that the cost was neutral.

Just like in New York, the truancy rate went down. The schools were making more money as a result of it, so then it would kind of even everything out. The fiscal committee didn't take that argument. They are just looking at numbers.

Yes, it's a lot of money, and because we didn't get it allocated in the budget -- we had hoped that we would -- but those negotiations did not pan out, so we had an expensive bill in Appropriations with no way to pay for it. As a result, they did narrow it to Title I schools, and...

**Jon:** Real quickly, what is a Title I school?

**Erinn:** Those are the schools with the most of their student populations receive low or free lunches. I don't know what the exact number is. I think it's like 80 percent or plus of their students have to receive some sort of supplement for their meals on campus. These are really the poorest schools.

This is exactly what that member in the Education Committee wanted, wanted it targeted to just these low-income schools, and then homeless shelters were removed.

It is still grades 6-12, Title I schools, so it's still, like so much legislation that we do here, it's a step. This is one step. These schools do probably need them the most. Let's get them in those schools, and then next year, we'll try to expand it, and eventually, hopefully to homeless shelters as well.

**Jon:** There's another thing I want to touch on real quick, because we talked about truancy rate, and then also the funding for when a student isn't in school. We've also pointed out here that one of the problems is that girls might have to leave school partway through the day.

Does that affect the school's funding, too, because I know truancy is not just you're not in school that day. It's also that you cut class, and you're gone. If a student is only there a part day, does the school still get the full \$150 or whatever that is?

**Erinn:** As far as I know, the school still gets their full money, but then it just goes back to the other argument of just the classes that the girls have missed because of it.

**Jon:** And that's nothing to sneeze at.

**Erinn:** No, they should be able to get the full money if they show up in their first period. The first period of class, of the school day.

**Jon:** We've gotten to fiscal committee. Now, it's changed somewhat significantly, the no longer going in homeless shelters. We're focusing on Title I schools. That's still a sizable population that the bill is serving here. From fiscal committee, we're back to the floor now?

**Erinn:** Yes. That happened in the Assembly Fiscal Committee. It went to the Assembly floor. It passed fine.

We've had no issues. There's been no opposition. A couple of "No" votes from some really conservative members, but generally bi-partisan support.

We flew off the Assembly floor. We flew through all the Senate policy committees, which was Education and Health, as well, and then fiscal again. Luckily, they didn't take anything else off of the bill. It let it out, and they got the Senate, and now it's on the Governor's desk.

**Jon:** Very cool.

Here's the other thing, we're talking about the fiscal impacts here. It seems like, knowing the governor's MO in not wanting to create new forms of funding outside of the budget process, how effective do you think this argument of, "We're getting students to be in school more," how effective is that going to be, especially in light of the Local Control Funding Formula, where Title I schools are getting more money for having more of those students in class.

Do you think that helps the bill?

**Erinn:** Either way, it has a huge hurdle with the Governor, but I think the things that we have to help us is the fact that New York has done this already. California loves to be the leader on issues, but the downside to that is we don't know how it will pan out, and we don't know what the implications will be.

We can only guess on what the costs are ultimately going to be, but now we actually have a state that has done this, that we can point to and say, "Look, they're saving money because more girls are going to school." That's a huge help for us and a huge lift, but that being said, the governor is very consistent on vetoing any bill that requests new spending without paying for it.

Like I said, a lot of our work this year was in budget trying to get funds for this, but ultimately, the leadership decides what is going to be included in the budget, what's going to make it in, and what's not, and this didn't make it in, unfortunately.

We have been talking with the Governor's office since day one. They understand the issue, but the one example that the governor's office gave is, "How is this any different than glasses? People need glasses. They can't go to school if they don't have glasses. Should we provide free glasses for everybody?"

We said, "The difference is one, if we can kind of support our health care system, then people with health insurance can afford those glasses." Also, glasses affect both genders. This, menstrual products, only affect one gender, and it's not like getting new glasses, and you have your frame, and they're good for years until you need a new prescription, and then you just have to pay for the prescription, not the frames.

Menstrual products, girls need every single month, and it's a burden on families, and ultimately girls, like I said, aren't going to school because of it, and so this should be treated differently than glasses. It's something that we have the numbers to back it up. We have the numbers to prove that this actually will save money for the schools.

We just have to hope that the Governor...He reads everything. We know that. It's just whether we've convinced him or not. I do know that if it gets vetoed, then we'll do it again next year, because often these bills, sometimes you can't them done in one year.

We've laid the groundwork. We've had a lot of good support. We'll come back next year, start the budget negotiations all over again, and maybe we'll have better luck.

**Jon:** Another quick question here. You said that in New York, they saw a two to three percent reduction in truancy. If we were to see that same reduction percentage-wise in California, do you know how much money that would put back into the school system?

**Erinn:** I don't, off the top of my head, but I have it somewhere.

[laughter]

**Erinn:** I know we came up with that number, and we gave it as an example of how that will save money, so that is one of our strongest points. I know it was something in...The bill itself, they said was going to cost almost \$1 million to implement, and the savings to schools would be counted off of that, but I don't know the number off the top of my head.

**Jon:** If you do have to bring this back next year, how do you feel the dynamics of an election year legislative cycle are going to affect it? Do you feel like that's not going to have a huge impact on the bill, or do you think going into an election that this might a tougher sell for some folks?

**Erinn:** I think with this bill, it won't matter. I can't say that with every one of my bills. I think that given an election year, there's some bills that we won't pursue next year, because of that, but this, like I said, it has bi-partisan support, almost unanimous support.

A lot of groups in support, which has really built the momentum around it, and a lot of members who have gone on record saying how necessary this is. I think, luckily, this is one of those few topics that is not political at all. It's just about access to education.

**Jon:** That's fantastic. This has been a great conversation, and I want to say thank you again, Erinn, for talking with us about AB 10.

**Erinn:** Thank you, and call the governor's office. Get him to sign it.

[laughter]

**Jon:** Thank you all for listening. This has been an edition of In Depth California Lawmaking, production of CAP·impact and the Capital Center for Law & Policy at the McGeorge School of Law. You can find CAP·impact online, [capimpactca.com](http://capimpactca.com), or on Twitter @capimpactca.

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Again, this has been Jon Wainwright. Thanks for listening.

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