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**Docket Item:**

**Permanent rule adoption Chapter 715: Requiring menstrual products be available free of charge at public institutions**

- New Rule                       Temporary  
 Amend Existing Rule       Permanent  
 Repeal Rule

**Prompted by:**

- State law changes  
 Federal law changes  
 Other

These changes go into effect on adoption.

**Summary:**

House Bill 3294 (2021), as amended by HB 1522 (2022) requires institutions of higher education to offer menstrual products free of charge to students. The products are required to be available in bathrooms located in public school buildings where educational services are provided to students. The bill requires HECC to adopt rules implementing the requirement.

HECC staff convened a workgroup to discuss this rulemaking. Representatives of community colleges, public universities, advocates for menstrual equity, and students were invited to participate in the work group. A draft of the rules was created which the workgroup met to consider. The workgroup again met after amendments to the initial draft were incorporated.

The proposed rule contains some key provisions worth noting. First, it defines educational services broadly, not only as the service of teaching, but as services that are primarily available to students. This definition requires products be available in student unions, dining halls, and residence halls in commonly accessible areas.

Second, the rule requires institutions to consider the quality of products offered, and mandates that institutions purchase and make available only products of sufficient quality to meet the needs of menstruating students. It also requires products to be free of unnecessary scents, and for institutions to offer different sizes of product (though not all sizes are required in all bathrooms). These clarifications are meant to ensure some type of product will be available to the largest possible population.

Finally, the rule requires institutions to notify new students of product availability so students have the opportunity to avail themselves of the products.

**Material:**

Rule Text and Tables

**Staff Recommendation:**

Staff recommends approving the permanent rules as drafted.

**HIGHER EDUCATION COORDINATING COMMISSION**

**CHAPTER 715 – Higher Education Coordinating Commission  
DIVISION 12 – Administration of Statewide Initiatives**

**\*NEW\* 715-012-0205 – Menstrual Product Availability**

- (1) For the purpose of this rule:
  - (a) ‘Commonly accessible area’ means an area within a building accessible to all students who have regular access to such building, and that is not located in an area of the building principally designated for student housing,
  - (b) ‘Dispenser’ means a means a container sufficient to hold menstrual products and can include, for example purposes only, a wall installation, a shelf or counter container, or a drawer, and is not required to be a commercially available dispenser. A dispenser that is not plainly visible to students shall be labeled,
  - (c) ‘Educational Services’ means any service provided by a community college or public university listed in ORS 352.002 directly and primarily available to students in buildings and facilities, including, but not limited to, buildings where classes are held, on-campus student housing, dining, and student support services, and
  - (d) ‘Student Bathroom’ means a bathroom located in a building where educational services are provided.
- (2) Each community college or public university listed in ORS 352.002 shall ensure that both tampons and sanitary pads are available at no cost to students.
- (3) For the period commencing on the effective date of this rule through June 30, 2022, such products shall be available in no fewer than two student bathrooms in each building used by a public education provider to provide educational services to students. If such building has a gender-neutral student bathroom, at least one dispenser shall be located in such bathroom. If such building has one student bathroom, such products shall be available in that bathroom.
- (4) For the period commencing July 1, 2022, such products shall be available in all student bathrooms in each building used by a public education provider to provide educational services to students, regardless of the gender designation of such student bathroom.
- (5) Notwithstanding sections (3) and (4) of this rule, for buildings for which the primary purpose is on-campus student housing, each community college or public university listed in ORS 352.002 shall offer both tampons and sanitary pads in commonly accessible areas of such building.
- (6) Each community college or public university listed in ORS 352.002 shall offer both tampons and sanitary pads in various sizes throughout campus, but are not required to offer each product in each size in all student bathrooms. Institutions shall make a reasonable effort to ensure that a variety of products are available at all institution-operated sites with qualifying buildings and facilities.
- (7) Products made available under this rule shall be:
  - (a) Of sufficient quality to meet the menstrual needs of students, and
  - (b) Unscented.
- (8) Distributions from the community college support fund and public university support fund, made in accordance with applicable agency rules governing such distributions, may be used to cover costs incurred by institutions under this rule.
- (9) Each institution of higher education covered under this rule shall provide notification to all students of the availability of such products once during the 2022-2023 academic year, and to newly enrolled students each academic year thereafter.