

Parties and Periods: Partisanship and Menstrual Product Policies in U.S. State Legislatures

Sara Chatfield

Prepared for the State of the Parties: 2024 and Beyond Conference
University of Akron
Ray C. Bliss Institute of Applied Politics

November 7, 2025

Since 2016, states have enacted new policies providing for the provision of free menstrual products in school bathrooms and in correctional institutions. These policies have often been enacted with bipartisan support, although policies focused on access for inmates have been more bipartisan, while votes on school policies have been more polarized. I analyze the partisan patterns of menstrual product policies in two ways. First, I examine how the framing of children and prisoners has differed in ways that has allowed for greater bipartisan support of prison-based policies. Second, I outline how even policies that ultimately earned bipartisan support were developed along partisan pathways in which the content of specific provisions depended on the state-level partisan context. I conclude with a discussion of further avenues for this research.

Menstrual Equity and Social Citizenship

In previous work, I discuss the importance of bathroom-related policies to the concept of social citizenship. Social citizenship, based on the concept from T. H. Marshall, “requires that individuals not only be legal members of society but also have full access to opportunities and dignity.”¹ After all, if a person does not have access to a safe and accessible restroom, they cannot go out in public – to work, to get an education, to participate in politics, or just to live their life – for any longer than they can “hold it.” I argue that social citizenship in the context of bathrooms has both physical and psychological aspects. The physical component is the length of time a person can go without needing to use a restroom – for Senator Cory Booker, this length of time may be 25 hours, but for most humans, it is much shorter.² The psychological component is the messages that society sends to individuals about their inclusion, worth, and dignity, based on the ways that bathroom access is allocated in public spaces and under the law.

When we think about the ability to access menstrual products in bathrooms specifically, the analysis is somewhat different than other types of bathroom access. For example, if a disabled person physically cannot access a bathroom or if a trans person fears harassment or even arrest by using the correct restroom, they literally cannot use those facilities. But if menstrual products aren’t provided in a bathroom, even people who do menstruate aren’t going to need them every time they use the bathroom. And, of course, people can – and do – bring their own menstrual products into bathrooms.

Yet still, there is extensive evidence that these policies still impact social citizenship in important ways. In schools, students are absent at higher rates when menstrual products are not available to them, a pattern that is especially pronounced in low-income schools. This indicates that while menstruating students may not be physically excluded from schools, they are often unwilling to attend if they cannot safely manage menstruation while present. In both schools and prisons, the lack of adequate access to menstrual hygiene products is also linked to dignity – the risk of bleeding on clothing, or especially in prison, having to barter for products and potentially face humiliation from interacting with prison guards around the topic of menstrual products.

¹ T. H. Marshall and Tom Bottomore, *Citizenship and Social Class* (London: Pluto Press, 1992); Sara Chatfield, *The Politics of Bathroom Access and Exclusion in the United States* (Cambridge: Cambridge University Press, 2024), 2.

² Tracey Tully, “‘Finally Some Fire’: Cory Booker’s 25-Hour Speech Strikes a Chord at Home,” *New York Times*, Apr 2 2025, <https://www.nytimes.com/2025/04/02/nyregion/cory-booker-speech-reactions.html>.

Finally, in both locations, there are health risks of wearing tampons for longer than recommended or resorting to homemade products, including reproductive tract infections, urinary tract infections, and toxic shock syndrome.³

All of these impacts have contributed to the growth the menstrual equity movement. This movement has advocated for not only government-provided menstrual products, but has also focused on broader societal efforts to destigmatize menstruation, eliminate the sales tax on menstrual products, and address environmental and health concerns associated with some types of menstrual products.⁴ Activist Jennifer Weiss-Wolf discusses in her writing how menstrual equity activists have deliberately chosen a broader frame than “sanitation, hygiene, or public health” and instead focused on the impacts of menstruation on “core concepts of equity and civic participation.”⁵ Left-leaning interested groups like the American Civil Liberties Union (ACLU) have created advocacy materials and model legislation around menstrual equity policies, including in both schools and prisons.⁶

But, work to guarantee the provision of menstrual products has not been solely the work of the left. On the right, the American Legislative Exchange Council (ALEC) has advocated exclusively for prison-based menstrual product provision, for indigent inmates.⁷ ALEC is a business-oriented group that plays a major role in disseminating model legislation to Republican legislators around the nation, and is often successful in seeing this model legislation passed into law.⁸ ALEC’s model bill titled “Dignity for Incarcerated Women” outlines policies on a variety of topics related to the well-being of women inmates. The focus is largely on these women’s role as mothers, emphasizing policies around the treatment of pregnant and birthing inmates, pre- and post-natal care and programming, and visitation of incarcerated mothers with their children. The model bill also includes one shorter section on access to menstrual products and their free provision to inmates with financial need (defined as “an inmate who has less than an average of \$16 in their prison account”).⁹

³ Chatfield, *Politics of Bathroom Access*, 22-23. See also Miriam Vishniac, "The New Correctional Afterthought: Menstruation and Incarceration in the U.S.A." (PhD University of Edinburgh, 2024); Amy Fettig, "Menstrual Equity, Organizing and the Struggle for Human Dignity and Gender Equality in Prison," *Columbia Journal of Gender and Law* 41 (2021); Lucine Francis et al., "An Update on State Legislation Supporting Menstrual Hygiene Products in US Schools: A Legislative Review, Policy Report, and Recommendations for School Nurse Leadership," *The Journal of School Nursing* (2022).

⁴ Bridget J. Crawford et al., "The Ground on Which We All Stand: A Conversation about Menstrual Equity Law and Activism," *Michigan Journal of Gender & Law* 26, no. 2 (2019). See also Allyson Crays, "Menstrual equity and justice in the United States," *Sexuality, Gender, and Policy* 3 (2020).

⁵ Jennifer Weiss-Wolf, "U.S. Policymaking to Address Menstruation: Advancing an Equity Agenda," in *The Palgrave Handbook of Critical Menstruation Studies*, ed. Chris Bobel et al. (Palgrave MacMillan, 2020), 539.

⁶ ACLU National Prison Project, *Menstrual Equity: A Legislative Toolkit*, (American Civil Liberties Union, 2019), <https://www.aclu.org/wp-content/uploads/legal-documents/121119-sj-periodequitytoolkit.pdf>.

⁷ "Dignity for Incarcerated Women," 2018, accessed Nov 27, 2023, <https://alec.org/model-policy/dignity-for-incarcerated-women/>.

⁸ Alexander Hertel-Fernandez, "Who Passes Business’s 'Model Bills'? Policy Capacity and Corporate Influence in US State Politics," *Perspectives on Politics* 12, no. 3 (2014).

⁹ American Legislative Exchange Council, "Dignity for Incarcerated Women."

(Bi) Partisanship and Menstrual Product Policies

In 2016, New York City became the first city in the United States to enact an ordinance providing for free menstrual products in city-controlled locations, including public schools, correctional facilities, and homeless shelters.¹⁰ Beginning in 2017, state legislatures began to pass statutes requiring the provision of free menstrual products in state-controlled institutions.¹¹ Table 1 provides summary statistics providing an overview of the passage of these statutes. The total number of final floor decisions includes multiple bills for some states, due to a few states that passed multiple versions of increasingly expansive laws over time. Voice votes are coded as unanimous. Party unity votes are votes in which a majority of one party voted in favor of a bill, and the majority of the other party voted against that bill.

*Table 1: Menstrual Product Provision in State Law*¹²

	<i>Schools (2017-2024)</i>	<i>Prisons (2018-2024)</i>
States Enacting Policy	22	29
Number of Final Floor Decisions	54	65
Percent Unanimous	38.9	73.8
Percent Party Unity Votes (Excludes Nebraska)	38.9	6.3
State Partisan Composition in Year of Passage	67% Democratic trifecta; 11% Republican trifecta; 22% divided government	34% Democratic trifecta; 38% Republican trifecta; 28% divided government

As is clear from this table, policies targeting schools were both less likely to be unanimous and more likely to be party unity votes, indicating that school-based policies were more partisan, while prison-based policies were more bipartisan. School-based policies were also more likely to be enacted in states with a Democratic trifecta, as opposed to prison-based policies which are more evenly divided between Democratic and Republican trifecta states (and a substantial portion with divided government). Appendix 1 uses an event history model to demonstrate that these results are robust to controlling for possible confounding variables.

Framing of Target Populations

On its face, these results are somewhat surprising. As Anne Schneider and Helen Ingram discuss in their analysis of the target populations of public policy, children are generally socially

¹⁰ Margaret L. Schmitt, Kathleen Booth, and Marni Sommer, "A Policy for Addressing Menstrual Equity in Schools: A Case Study From New York City, U.S.A.," *Frontiers in Reproductive Health* 3 (2022).

¹¹ As Miriam Vishniac notes, legislation is only one area where policy around menstrual products is set – in the prison context, official and unofficial rules and policies set at the prison or state level, as well as individual guard discretion, can significantly impact the implementation of state law. See Vishniac, "The New Correctional Afterthought: Menstruation and Incarceration in the U.S.A.," 89-90. This study focuses on state legislative activity as the major site of partisan conflict.

¹² Pre-2024 data can be found at Sara Chatfield, "Data for The Politics of Bathroom Access and Exclusion in the US States," (V1: Harvard Dataverse, 2024). <https://doi.org/10.7910/DVN/KV7ERA>. 2024 data was collected using the same methods.

constructed as dependent populations without political power but who are viewed positively by lawmakers, while criminal populations are socially constructed as deviants who are politically weak and the subject of negative social constructions.¹³ Because of their lack of political power, we might expect to see lawmakers directing few benefits to either group, with even fewer directed toward prison-based programs. Yet here, both groups have seen beneficial policies directed toward them, with even more support for prisoners as compared to schoolchildren. And partisanship shows up as a relevant factor predicting the passage of school-based policies, but not for prison-based policies, with various ways of measuring this relationship. So, what explains this pattern?

I argue that one big piece of this story is the framing of target populations and policy goals. Specifically, supporters have framed prison-based policies in ways that emphasize gender essentialism, often tying menstrual product provision to women's vulnerability or their role as mothers. In contrast, school-based policies have sometimes become part of a broader moral panic around parental choice, public education, and trans youth.

Packaging Provisions in Prison-Focused Bills

In the context of prison-focused bills, the types of provisions that are packaged together with menstrual product provision provides important evidence. That is, are bills single-issue policies that provide solely for the free provision of menstrual products, or do these bills contain additional issues? This information can help us learn how legislators are thinking about menstrual product policy. Put another way, what do legislators think menstrual product provision is an example of?

First turning to prison-based policies, about forty percent of states that enacted this type of legislation, fourteen, either passed stand-alone menstrual products bills or combined the provision of menstrual products with other items inmates might need, such as soap, toothbrushes, or underwear. The most common policy types paired with menstrual products provisions were policies relating to the treatment of pregnant, birthing, and postpartum women, as well as policies relating to the privacy rights of incarcerated women, particularly related to male correctional officers viewing unclothed female prisoners (11 bills each). Another commonly paired policy focused on the rights of parents to have visitation with their children, sometimes with statutory language explicitly focusing on mothers (7). Other combinations of policies were less common, including other criminal justice provisions (3), access to contraception (2), other menstrual equity policies (2), and a budget bill (1). In contrast, only one state – Colorado – explicitly acknowledges the existence of trans men in prison as well as non-binary inmates who may need access to menstrual products.

As is evident from this accounting, when states combine menstrual product provision with other policies, they frequently do so in ways that frame incarcerated women as mothers (as in the case of provisions focused on pregnant and birthing women or on child visitation policies) or as potentially vulnerable and in need of state protection (as in privacy-focused policies). Thus,

¹³ Anne Schneider and Helen Ingram, "Social Construction of Target Populations: Implications for Politics and Policy," *American Political Science Review* 87, no. 2 (1993): 36, <https://doi.org/10.2307/2939044>.

instead of being framed as criminals or deviants, legislators are often viewing these women through more sympathetic frames that are appealing to a bipartisan audience.

Texas's HB 650 provides a relevant example. This bill, enacted in 2019, provides for humane treatment of pregnant and postpartum inmates, educational programming for pregnant inmates, limitations on searches by male correctional officers when a female inmate is unclothed, the provision of menstrual hygiene products, and the development of a new study on the impacts of child visitation policies on incarcerated mothers and their children.¹⁴ The state House Research Organization prepared a bill analysis detailing bill provisions and summarizing witness testimony.

There were no witnesses testifying against the bill. Meanwhile, witnesses testifying in support of the bill focused on pregnant inmates and mothers who are incarcerated for non-violent offenses. The summary of witness testimony says that supporters testified that the bill “would establish policies and practices that would help female inmates foster meaningful relationships with their families, which could lead to inmates being held accountable in a safe and healthy way and reduce the negative effects of parental incarceration on children.”¹⁵

The Emergence of Moral Panic over School-Focused Bills

In contrast to the passage of prison-focused bills, school-focused bills seem to have two possible pathways to success. In some states, school-based policies were advocated for by non-partisan groups and do not seem to have been strongly polarized based on partisanship Utah (2022) provides a clear example here, where the menstrual products bill was passed unanimously in both houses. In both the House and Senate committees, all witnesses testified in favor of the bill, and no one testified in opposition.¹⁶ One of the major interest groups backing the bill was The Policy Project, a non-partisan state non-profit focused largely on school and child policies – for example, limiting cell phone use during class and preventing child sexual abuse – not on gender based or more polarizing policies.¹⁷

Speaking in favor of the bill, sponsor Senator Ann Millner focused on making sure that girls don't face embarrassment at school or use unsafe homemade products. She compared period products to toilet paper as a hygiene product that is freely provided in schools. The legislative “debate” on the bill was then very polite and fully supportive.¹⁸

In other states, menstrual equity bills became tied to Democratic party priorities through a variety of mechanisms. For example, they might be packed into a larger party-led budget bill or education bill, or they might face opposition from Republicans for costs to the state budget or for creating an unfunded mandate for schools, depending on the specific funding mechanism. For example, opposition to New Hampshire's 2019 bill was focused on the unfunded mandate aspect

¹⁴ Texas HB 650 (2019). See <https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=86R&Bill=HB650>

¹⁵ <https://hro.house.texas.gov/pdf/ba86R/HB0650.PDF>

¹⁶ Utah HB 162 (2022). See <https://le.utah.gov/~2022/bills/static/HB0162.html>

¹⁷ <https://www.thepolicyproject.org/>

¹⁸ <https://le.utah.gov/av/floorArchive.jsp?markerID=117521>

of the law, and some Republican lawmakers are currently working to repeal the policy on that basis.¹⁹

More broadly though, and especially since 2023, menstrual equity policies in schools became tied to broader debates over parental rights, education, and moral panics over public schools and trans youth.²⁰ During his presidential campaign, Donald Trump accused Minnesota Governor Tim Walz of requiring tampons to be provided in all boys bathrooms in schools – which was not actually true. Minnesota’s law requires access for all students who menstruate, but this is typically accomplished through provision in unisex bathrooms or student health offices.²¹ In New Jersey, which enacted a menstrual products bill in 2023, one Republican state senator called the bill “a full-fledged assault now on families, people of faith. God made man and woman, that’s it.” New Jersey’s law does not require menstrual products in boys’ bathrooms, but does discuss gender neutral bathrooms and refers to “menstruating students” as opposed to “girls.”²²

Also in 2023, Idaho considered a menstrual products policy in the state legislature. There, Republican legislators criticized the proposal as woke and overly concerned with children’s sexuality. For example, Rep. Heather Scott asked: “Why are our schools obsessed with the private parts of our children?” while Rep. Barbara Ehardt criticized period poverty and menstrual equity as “woke terms.”²³ In the Education committee meeting on the bill, committee members “spoke about biological boys and biological girls and said female hygiene products would not be allowed in male restrooms.”²⁴ Ultimately, the bill failed in Idaho and so the policy was not enacted.²⁵

Essentially, we can see two very different framings of menstrual product bills in the states. Even in conservative states like Utah, sometimes lawmakers have focused on framing period products as being about access, avoiding embarrassment, and treating these products as similar to other hygiene products like toilet paper. In other states, these bills have been framed in terms of sexualizing children, gender identity, and “wokeness.”

In their work on conflict in local school boards, Mirya Holman, Rebecca Johnson, and Tyler Simko find that conflict has risen in recent years and the most intense conflicts have often

¹⁹ Margie Cullen, “NH schools are currently required to provide period products. New bill looks to end that,” *Seacoastonline*, Jan 24 2025, <https://www.seacoastonline.com/story/news/politics/state/2025/01/24/nh-schools-are-required-to-provide-period-products-bill-may-end-that/77900108007/>.

²⁰ Chabeli Carrazana, “Blue and red states were putting period products in schools — then came the antitrans backlash,” *The 19th*, Aug 26 2024, <https://19thnews.org/2024/08/period-products-schools-anti-trans-backlash/>.

²¹ Daniel Dale, “Fact check: Debunking Trump attack on Walz, Minnesota schools say they don’t provide tampons in boys’ bathrooms,” *CNN*, Aug 16 2024, <https://www.cnn.com/2024/08/16/politics/fact-check-trump-walz-minnesota-schools-tampons>.

²² Dana Difilippo, “Bills on school transparency, menstrual products spark outcry during N.J. senate hearing,” *New Jersey Monitor*, May 10 2022, <https://newjerseymonitor.com/2022/05/10/bills-on-school-transparency-menstrual-products-spark-outcry-during-n-j-senate-hearing/>.

²³ “Idaho bill to provide free period products in schools fails,” *Associated Press*, Mar 27 2023, <https://apnews.com/article/idaho-free-menstrual-products-schools-6b9e3d6af4b58d08041a358db570e73e>.

²⁴ https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2023/standingcommittees/230316_hedu_0800AM-Minutes.pdf

²⁵ Idaho HB 313 (2023), see <https://legislature.idaho.gov/sessioninfo/2023/legislation/H0313/>

centered on cultural issues such as racial diversity and gender identity.²⁶ Similarly, Kaitlin Kelly-Thompson and Amber Lusvardi find growing levels of anti-trans rhetoric in state legislatures.²⁷ The patterns found in recent legislative debates linking menstrual product provision to gender essentialism and trans youth seem to fit into this broader moral panic.

Means Testing and Gendered Language in Menstrual Product Bills

I turn now to the specific content of these policies. Given the broader context of partisan polarization in the United States, even bipartisan bills show partisan tailoring of policies depending on the partisan context of the state. That is, there are different partisan pathways for the passage of menstrual product bills and significant diversity in the actual provisions contained in these bills. In particular, both prison-based and school-based policies differ in terms of whether they means test benefits and how gender inclusive the language in bills is. Appendix 2 provides sample language of each type of policy provision.

First considering means testing: overall, most menstrual product bills for both prisons and schools are not means tested. But, some bills limit free products to either low income schools or indigent inmates, generally defined as having a low amount of funds in one's commissary account. For school-based policies, there is not a clear partisan pattern – only two states have means tested programs, one from a Democratic trifecta state and one from a Republican trifecta state. For prison based-policies, there is a partisan pattern. Democratic trifecta and divided government states only provide for universal programs, while Republican trifecta states were more evenly divided in the policies they approved. Five Republican-led states means test their prison based menstrual product provision, while seven do not.

Turning to gender inclusive language, here, the partisan patterns in schools were clearer. Democratic states were much more likely to explicitly mention boys restrooms or gender neutral restrooms in school bills, with only one Democratic trifecta state limiting access to girls. In contrast, no divided government or Republican trifecta states mentioned boys bathrooms or access for boys. Divided government states were most likely to use gender neutral language and Republican trifecta states were most likely to limit benefits to girls.

There are partisan patterns here for prison policies too. Only one state – Colorado, which is a Democratic trifecta state – explicitly provides for trans men and non-binary individuals who are incarcerated. But, comparing gender neutral versus gender specific language that specifies benefits only in women's prisons or for female prisoners is interesting. Both Republican trifecta states and divided government states are overwhelmingly likely to specify benefits only for women – only one Republican state and one divided government state used gender neutral language. In contrast, seven Democratic trifecta states used gender neutral language, versus only three that used gender specific language. Overall, these trends indicate that partisanship matters

²⁶ Mirya Holman, Rebecca Johnson, and Tyler Simko, "Measuring Conflict in Local Politics," *Urban Affairs Review* (2025).

²⁷ Kaitlin Kelly-Thompson and Amber Lusvardi, "Transgender Bodies are the Battleground: Backlash, Threat, and the Future of Queer Rights in the United States," *PS: Political Science & Politics* 58, no. 3 (2025).

in shaping the content of specific policy provisions, even when legislation is passed in a bipartisan fashion, as in the case of prison-based policies.

Conclusion

This paper explores the role of partisanship in the enactment of state-level menstrual product policies focused on correctional institutions and on schools. I find that prison-focused policies are more bipartisan in nature, being more likely to be enacted by unanimous or at least non-party unity votes, and also being more evenly distributed across states with differing party control of state government. I argue that these partisan differences are shaped at least in part by the framing of inmates and children who would be receiving benefits. Inmates are largely framed in regard to their gender, particularly with regard to their vulnerability to abuse and their roles as mothers. In some states, menstrual products in schools have been framed around moral panics relating to trans youth and the potential for products to be accessed in boys bathrooms.

Additionally, I find that policy details vary among states based on the party composition of the state government. Specifically, prison-based policies vary among Democratic-led, Republican-led, and divided government states on the basis of means testing and the inclusion of gender neutral language. And, education-based policies vary along the dimension of gender inclusion – whether policies are explicitly available in boys’ bathrooms or to trans and non-binary students, whether they are explicitly only available in girls’ restrooms, or whether the language is gender neutral. Thus even when policies are passed in a bipartisan manner, their content may vary according to the partisan balance in the state government.

Next steps for this project include more collection of state legislative materials, testimony, and media reports to flesh out my understanding of the specific political and partisan context of specific case study states (I have some states in mind for this but am still finalizing the list). As part of this, I plan to do more research on interest groups or organizations that have advocated for menstrual products for non-partisan or non-ideological reasons – groups like the Policy Project mentioned in the description of Utah’s bill above. These might include youth advocates like the Girl Scouts as well as organizations focused on criminal justice and education reform.

I’m also interested in deepening my analysis through considering political framings of schools versus prisons. This will involve incorporating more literature on the politicization of schools as well as considering how legislators may be viewing prisons as a custodial responsibility of the state versus schools as potentially falling into the categories of state responsibility versus parental responsibility (for example, discourses on school lunches).²⁸

²⁸ See, for example, Aylon Cohen and Samuel R. Galloway, "Grooming Authoritarianism: Anti-Trans/Queer Panic as Pedagogy for Democratic Decline," *PS: Political Science & Politics* 58, no. 3 (2025); Kimberly Martin and Elizabeth Rahilly, "Moral Reframing and Transgender Athlete Bans: In-groups, Out-groups, and a Future Research Agenda," *PS: Political Science & Politics* 58, no. 3 (2025); Sahar Moazami, "Legalizing Transphobia: How the Anti-Gender Movement Utilizes the Law to Uphold Anti-Trans Hate," *California Western International Law Journal* 54, no. 1 (2023).

Appendix 1: Statistical Models

This partisan pattern is also reflected in statistical models when controlling for possible confounders. I use logit models to estimate the likelihood of different types of bills being enacted over time. In each case, the dependent variable is whether or not a state passes a menstrual products bill for either schools or prisons in a given year, from 2017-2023. The dependent variable is whether the state government was a Democratic trifecta, coded as “1” if a state government was a Democratic trifecta in a given year and “0” otherwise.²⁹ In the models, I control for geographic proximity, legislative professionalism, and descriptive gender representation, as outlined in Table 2.

Table 2: Dependent Variables

Variable	Description	Source
Proximity to a neighboring state with similar legislation	Coded as “1” if a neighboring state has ever passed a menstrual products bill of the same type. This allows for a test of whether diffusion is following geographic patterns	Sara Chatfield ³⁰
Squire Index	Measures the professionalization of state legislatures. ³¹	Peverill Squire ³²
Descriptive Representation of Gender	Two variables for whether the governor is a woman and the percentage of the state legislative seats held by women	Center for American Women and Politics ³³

I use event history models to analyze the passage of bathroom access statutes in the states. In an event history model, the dependent variable is the amount of time that an observation (here, a state) is a “risk” of passing a particular type of law. Statute enactment can be modelled as continuous or discrete; here, I model statute enactment as discrete based on the recommendation of Janet Box-Steffensmeier and Bradford Jones.³⁴ I then use logit models to estimate the probability that a state will enact a particular type of statute in a particular year, conditional on the period of time that has passed without enactment as well as a set of covariates

²⁹ This data comes from the National Conference of State Legislatures <https://www.ncsl.org/about-state-legislatures/state-partisan-composition>

³⁰ Chatfield, *Politics of Bathroom Access*. In addition to statute dates, this variable was created using Stata code from Michael Fix. See Michael P. and Joshua L. Mitchell Fix, "Examining the Policy Learning Dynamics of Atypical Policies with an Application to State Preemption of Local Dog Laws," *Statistics, Politics and Policy* 8, no. 2 (2017).

³¹ The measure is linearly interpolated between data points.

³² Peverill Squire, "A Squire Index Update: Stability and Change in Legislative Professionalization, 1979–2021," *State Politics & Policy Quarterly* 24, no. 1 (2024); Peverill Squire, "Replication Data for: A Squire Index Update: Stability and Change in Legislative Professionalization, 1979–2021," (V1: UNC Dataverse, 2023).

³³ <https://cawp.rutgers.edu/facts/state-state-information>

³⁴ Janet M. Box-Steffensmeier and Bradford S. Jones, *Event History Modeling: A Guide for Social Scientists* (Cambridge: Cambridge University Press, 2004), 69. See also Holly McCammon, "Using Event History Analysis in Historical Research: With Illustrations from a Study of the Passage of Women's Protective Legislation," *International Review of Social History* 43 (1998).

that may be associated with earlier or later bill passage.³⁵ The probability of passing a statute is indicated by $\Pr(y_{it}=1) = \lambda_i$, and the discrete-time logit model has the following functional form:

$$\log(\lambda_{i/1} - \lambda_i) = \beta_0 + \beta_1 \text{DemocraticTrifecta}_i + \beta_2 \text{NeighborAdopt}_i + \dots + \beta_4 \text{Duration} + \beta_5 \text{Duration}^2 + \beta_6 \text{Duration}^3$$

The final three terms are duration-dependence controls to allow for the risk of passing a bill to vary over time.

Analysis

The results presented in Table 3 all estimate the likelihood of a different policy being enacted over time. A positive and significant coefficient for an explanatory variable indicates that the risk of earlier enactment is increasing with that variable—in other words, the variable is associated with earlier policy enactment. In contrast, negative and significant coefficients indicate that risk is decreasing with the explanatory variable, and so higher values of the variable are associated with later (or no) bill passage.

Table 3: Discrete Event History (Logit) Model Results, 2017-2023

	Menstrual products in schools	Menstrual products in prisons
Democratic Trifecta	1.7 (.58) **	.83 (.59)
Neighbors w/ Reform (Dummy Variable)	.16 (.52)	.20 (.47)
Squire Index	.76 (1.4)	.10 (1.1)
Woman Governor	-1.2 (.72)	-.81 (.66)
Percentage of Women in State Legislature/	.03 (.03)	-.02 (.03)
Subjects (Failures)	50 (22)	50 (28)

*Standard errors are given in parentheses, and significance is indicated as follows: *** significant at the $p < .001$ level, ** significant at the $p < .01$ level, * significant at the $p < .05$ level.*

At the bottom of each column, the total number of subjects (i.e. states) and failures (i.e. states that enacted a given policy between 2000 and 2023) are listed.

All models also control for duration, duration squared, and duration cubed.

As is evident from these models, partisanship (as measured by a Democratic trifecta) is the only significant predictor of earlier passage of a menstrual products bill, and it is only predictive in the case of school-based policies.

³⁵ Box-Steffensmeier and Jones, *Event History Modeling*, 73.

Appendix 2: Policy Details by Means Testing and Gender Inclusivity – Sample Language

	School-Based Policies	Prison-Based Policies
Means Testing	N=2 “ ‘Eligible school’ means a public high school that is eligible to participate in the community eligibility provision under the national school lunch program.” (Tennessee, 2019)	N=4 “The department shall provide feminine hygiene products free of charge to an indigent inmate.” (Texas, 2019)
No Means Testing	N=25 “Each school board shall make menstrual supplies available, at all times and at no cost to students.” (Virginia, 2020)	N=27 “Female incarcerated persons who menstruate shall be provided menstrual products as needed at no cost to the female incarcerated person.” (North Carolina, 2021)
Gender/Sex Exclusive	N=4 “Each school district, other public school, and chartered nonpublic school that enrolls girls in any of grades six through twelve shall provide free feminine hygiene products to those students.” (Ohio, 2023)	N=22 “Correctional staff at York Correctional Institution [the only women’s prison in the state] shall, upon request, provide an inmate at the institution with feminine hygiene products as soon as practicable.” (Connecticut, 2018) “A custodian shall make healthcare products available to all women incarcerated in a correctional facility at no cost and in a quantity that is appropriate to the needs of the woman without a medical permit.” (Louisiana, 2018)

Gender Neutral	N=17 “A school district and an approved independent school shall make menstrual products available at no cost ... in a majority of gender-neutral bathrooms and bathrooms designated for female students.” (Vermont, 2021)	N=9 “Any person who is incarcerated in a jail or other county correctional facility who menstruates has a right to comprehensive access to menstrual products...” (Maine, 2019)
Inclusive of Trans Boys/Men and Nonbinary People	N=6 “California has an interest in promoting gender equity, not only for women and girls, but also for transgender men, nonbinary, and gender nonconforming people who may also menstruate and experience inequities resulting from lack of access to menstrual products.” (California, 2021)	N=1 “The general assembly... declares that all people in jail custody who are women, transgender, or nonbinary deserve to be granted human dignity and do not have to endure obstacles, illness, or humiliation in order to access basic and necessary menstrual hygiene products.” (Colorado, 2019)

References

- ACLU National Prison Project. *Menstrual Equity: A Legislative Toolkit*. American Civil Liberties Union, 2019.
- "Dignity for Incarcerated Women." 2018, accessed Nov 27, 2023, <https://alec.org/model-policy/dignity-for-incarcerated-women/>.
- Box-Steffensmeier, Janet M., and Bradford S. Jones. *Event History Modeling: A Guide for Social Scientists*. Cambridge: Cambridge University Press, 2004.
- Carrazana, Chabeli. "Blue and Red States Were Putting Period Products in Schools — Then Came the Antitrans Backlash." *The 19th*, Aug 26 2024. <https://19thnews.org/2024/08/period-products-schools-anti-trans-backlash/>.
- Chatfield, Sara. "Data for the Politics of Bathroom Access and Exclusion in the Us States." V1Harvard Dataverse, 2024. <https://doi.org/10.7910/DVN/KV7ERA>.
- . *The Politics of Bathroom Access and Exclusion in the United States*. Cambridge: Cambridge University Press, 2024.
- Cohen, Aylon, and Samuel R. Galloway. "Grooming Authoritarianism: Anti-Trans/Queer Panic as Pedagogy for Democratic Decline." *PS: Political Science & Politics* 58, no. 3 (2025): 456-60.
- Crawford, Bridget J., Margaret E. Johnson, Marcy L. Karin, Laura Strausfeld, and Emily Gold Waldman. "The Ground on Which We All Stand: A Conversation About Menstrual Equity Law and Activism." *Michigan Journal of Gender & Law* 26, no. 2 (2019): 341-88.
- Crays, Allyson. "Menstrual Equity and Justice in the United States." *Sexuality, Gender, and Policy* 3 (2020): 134-47.
- Cullen, Margie. "Nh Schools Are Currently Required to Provide Period Products. New Bill Looks to End That." *Seacoastonline*, Jan 24 2025. <https://www.seacoastonline.com/story/news/politics/state/2025/01/24/nh-schools-are-required-to-provide-period-products-bill-may-end-that/77900108007/>.
- Dale, Daniel. "Fact Check: Debunking Trump Attack on Walz, Minnesota Schools Say They Don't Provide Tampons in Boys' Bathrooms." *CNN*, Aug 16 2024. <https://www.cnn.com/2024/08/16/politics/fact-check-trump-walz-minnesota-schools-tampons>.
- Difilippo, Dana. "Bills on School Transparency, Menstrual Products Spark Outcry during N.J. Senate Hearing." *New Jersey Monitor*, May 10 2022. <https://newjerseymonitor.com/2022/05/10/bills-on-school-transparency-menstrual-products-spark-outcry-during-n-j-senate-hearing/>.
- Fettig, Amy. "Menstrual Equity, Organizing and the Struggle for Human Dignity and Gender Equality in Prison." *Columbia Journal of Gender and Law* 41 (2021): 76-99.
- Fix, Michael P. and Joshua L. Mitchell. "Examining the Policy Learning Dynamics of Atypical Policies with an Application to State Preemption of Local Dog Laws." *Statistics, Politics and Policy* 8, no. 2 (2017): 223-47.
- Francis, Lucine, Shafkat Meraj, Divya Konduru, and Eliana M. Perrin. "An Update on State Legislation Supporting Menstrual Hygiene Products in Us Schools: A Legislative Review, Policy Report, and Recommendations for School Nurse Leadership." *The Journal of School Nursing* (2022): 1-6.
- Hertel-Fernandez, Alexander. "Who Passes Business's 'Model Bills'? Policy Capacity and Corporate Influence in Us State Politics." *Perspectives on Politics* 12, no. 3 (2014): 582-602.

- Holman, Mirya, Rebecca Johnson, and Tyler Simko. "Measuring Conflict in Local Politics." *Urban Affairs Review* (2025): 10780874251355893.
- "Idaho Bill to Provide Free Period Products in Schools Fails." *Associated Press*, Mar 27 2023. <https://apnews.com/article/idaho-free-menstrual-products-schools-6b9e3d6af4b58d08041a358db570e73e>.
- Kelly-Thompson, Kaitlin, and Amber Lusvardi. "Transgender Bodies Are the Battleground: Backlash, Threat, and the Future of Queer Rights in the United States." *PS: Political Science & Politics* 58, no. 3 (2025): 496-500.
- Lerner, Reilly H. "Recognizing Menstrual Equity as a Dimension of Equal Educational Opportunity." *Journal of Law & Education* 52, no. 1 (2023): 226-63.
- Marshall, T. H., and Tom Bottomore. *Citizenship and Social Class*. London: Pluto Press, 1992.
- Martin, Kimberly, and Elizabeth Rahilly. "Moral Reframing and Transgender Athlete Bans: In-Groups, out-Groups, and a Future Research Agenda." *PS: Political Science & Politics* 58, no. 3 (2025): 461-65.
- McCammon, Holly. "Using Event History Analysis in Historical Research: With Illustrations from a Study of the Passage of Women's Protective Legislation." *International Review of Social History* 43 (1998): 33-55.
- Moazami, Sahar. "Legalizing Transphobia: How the Anti-Gender Movement Utilizes the Law to Uphold Anti-Trans Hate." [In eng]. *California Western International Law Journal* 54, no. 1 (2023): 179-220.
- Schmitt, Margaret L., Kathleen Booth, and Marni Sommer. "A Policy for Addressing Menstrual Equity in Schools: A Case Study from New York City, U.S.A.". *Frontiers in Reproductive Health* 3 (2022): 1-10.
- Schneider, Anne, and Helen Ingram. "Social Construction of Target Populations: Implications for Politics and Policy." *American Political Science Review* 87, no. 2 (1993): 334-47. <https://doi.org/10.2307/2939044>.
- Squire, Peverill. "Replication Data For: A Squire Index Update: Stability and Change in Legislative Professionalization, 1979-2021." V1UNC Dataverse, 2023.
- . "A Squire Index Update: Stability and Change in Legislative Professionalization, 1979–2021." *State Politics & Policy Quarterly* 24, no. 1 (2024): 110-19.
- Tully, Tracey. "'Finally Some Fire': Cory Booker's 25-Hour Speech Strikes a Chord at Home." *New York Times*, Apr 2 2025. <https://www.nytimes.com/2025/04/02/nyregion/cory-booker-speech-reactions.html>.
- Vishniac, Miriam. "The New Correctional Afterthought: Menstruation and Incarceration in the U.S.A." PhD, University of Edinburgh, 2024.
- Weiss-Wolf, Jennifer. "U.S. Policymaking to Address Menstruation: Advancing an Equity Agenda." In *The Palgrave Handbook of Critical Menstruation Studies*, edited by Chris Bobel, Inga T. Winkler, Breanne Fahs, Katie Ann Hasson, Elizabeth Arveda Kissling and Tomi-Ann Roberts, 539-49: Palgrave MacMillan, 2020.