

ORDINANCE NO. 21-103

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”),
ARTICLE 5 (“DEPARTMENTS AND OFFICES”) RELATING TO THE PROVISION
OF FREE FEMININE PRODUCTS**

WHEREAS, New Castle County recognizes the importance of supporting the physical and behavioral health and social needs of its citizens; and

WHEREAS, access to feminine products affects not only a person’s dignity, but can literally mean the difference between experiencing life threatening symptoms such as toxic shock syndrome, or not – or, in other words, the difference between life and death; and

WHEREAS, the lack of access to feminine products, known as “period poverty,” disproportionately affects low income residents who can have a menstrual cycle; and

WHEREAS, young people who experience “period poverty” on a monthly basis are prone to suffering from moderate to severe depression; and

WHEREAS, “period poverty” affects the dignity of individuals by forcing up to 1 in 5 to miss work or school, and by forcing too many individuals to choose between putting food on the table or buying feminine products; and

WHEREAS, the State of Delaware very recently passed a law requiring all public and charter schools to provide free feminine products; and

WHEREAS, other jurisdictions, including Salt Lake City, Utah, San Diego County, California, New Zealand, and Scotland, among others, also have passed laws requiring that free feminine products be provided to their residents; and

WHEREAS, in May a bill was introduced in Congress requiring feminine products be provided in all federal buildings and to all age-appropriate school students in public school through college level; as pointedly stated by the sponsor, Congresswoman Meng, “[p]eriod poverty is *debilitating and demeaning*, and it is inextricably linked to a swath of issues – from economic justice to education; from housing to health care;” (emphasis added) and

WHEREAS, New Castle County has an obligation to provide fundamental community services and resources, like this, to all residents of the County, and to do so thoughtfully and fairly; and

WHEREAS, New Castle County Council finds that the provisions of this Ordinance are rationally and reasonably related to, substantially advance, and are narrowly tailored to achieve its goal of protecting and preserving legitimate government interests, including the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life of its citizens.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 2 (“Administration”), Article 5 (“Departments and Offices”) is hereby amended by adding the underlined language as set forth below.

Sec. 2.05.407. – Community Services

A. The Department shall provide the following resources in a manner that endeavors to provide equal access for all:

1. Free feminine products in New Castle County libraries.
 - a. For purposes of this section, “feminine products” means tampons and sanitary napkins for use in connection with a menstrual cycle.
 - b. All libraries shall provide free feminine products in each public bathroom, including those designated non-gender conforming, used by individuals who can have a menstrual cycle.
 - c. Libraries must publish on their website and indicate in their common areas the locations of the public bathrooms where feminine products are provided. Such information should be updated if bathroom locations are changed.

Section 2. This Ordinance shall become effective on December 1, 2021, following adoption by County Council and approval by the County Executive.

Adopted by County Council
of New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: Access to feminine products can mean the difference between experiencing life threatening symptoms such as toxic shock syndrome, or not, or, in other words, the difference between life and death. Individuals without access to feminine products, known as “period poverty,” risk infection and potentially fatal conditions. Further consequences of “period poverty” are missed days of school and work, and even moderate to severe depression.

“Period poverty,” in real and shocking terms, jeopardizes the educational and economic opportunities of individuals. Many of the individuals who experience this, are literally forced to choose between buying food or buying feminine products. New Castle County has the ability to mitigate the dire effects of “period poverty” on its residents.

This Ordinance would require that free feminine products be made available in all New Castle County public bathrooms, including those designated as non-gender conforming, used by individuals who can have a menstrual cycle.

FISCAL NOTE: TBD