

What is Menstrual Equity? Her Justice Advocates for Women's Rights

Tuesday, October 16, 2018

Menstrual equity. This term is likely one that you've never heard before. I hadn't either, until I attended a discussion hosted by [Her Justice](#), a non-profit that recruits caring, talented attorneys from New York City's law firms to provide free legal assistance in the areas of family, divorce and immigration law to women living in poverty, most of whom are victims of domestic violence.

At this discussion, Jennifer Weiss-Wolf, Vice President for Development and Democracy Fellow at the [Brennan Center for Justice](#), spoke about her advocacy efforts surrounding menstrual equity, including legislation and policies that ensure menstrual products are affordable and available for those who need them. While this topic impacts all women in some way, it most significantly affects incarcerated, homeless, or low-income women and girls. Not only is menstrual equity a hygiene and public health issue, but women and girls often have to compromise their productivity to miss work and school because they cannot afford basic necessities. Weiss-Wolf has worked to increase access to menstrual products through, but not limited to, the following initiatives:

- **State and Federal Tax Efforts**

Most states impose sales taxes, and many of these states exempt health and personal care items from such tax, but only a handful include menstrual products in such exemption. However, within the last two years, lawmakers in many states have introduced bills to remove what is being dubbed the "tampon tax." Supporters of this movement argue that menstrual products are a necessity, and should not be subject to any sales tax.

Policy efforts are also underway to push the IRS to amend the tax code so that menstrual products are eligible for reimbursement under flexible spending accounts. Currently, the IRS does not consider tampons or pads medically necessary, despite the fact that the FDA considers such as medical products.

- **Public Accommodations**

State and city governments have been active in proposing and passing legislation to achieve menstrual equity. In July 2016, New York City was the first in the nation to pass a legislative package requiring all correction facilities, shelters, and public schools to distribute menstrual products free of charge.

Moreover, on the federal level, in July 2017, Senators Booker and Warren introduced the Dignity for Incarcerated Women Act, which among other things, includes a mandate to distribute tampons and pads to inmates.

As Weiss-Wolf has argued, there is stigma surrounding the topic of menstruation, but if you think it about it from a human rights perspective, women and girls should not have to miss work or school, risk their health, or compromise their dignity because they menstruate. The solutions Weiss-Wolf has championed seem entirely sensible, yet society has a long way to go.

This discussion with Weiss-Wolf was part of the Her Justice "Breakfast Briefing" Series, a quarterly conversation for friends, supporters, volunteers and their networks, featuring a diverse array of external influencers who focus on the issues impacting the clients and work of Her Justice.



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