

Student Health Legislation Updates

January 9, 2024

Number 4

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In October 2023, Governor Newsom signed into law two bills related to student health. Assembly Bill (AB) 230 expands access to menstrual products, and AB 659 requires notification to parents and guardians regarding human papillomavirus (HPV) vaccination. Senate Bill (SB) 541, which would have required public high schools to make condoms available to students at no cost, was vetoed and will not take effect.

AB 230: Menstrual Products

Under existing law, public schools with any combination of classes from grades six to 12 are required to provide free and accessible menstrual products in every women's and all-gender restroom, and in at least one men's restroom on campus. Existing law also requires that public schools post a notice containing specific information in a prominent location within these restrooms.

AB 230 amends Education Code section 35292.6 to expand this requirement to grades three to 12. Beginning with the start of the 2024-25 school year, schools educating students in these grade levels are required to always keep their restrooms stocked with an adequate supply of menstrual products, defined as pads and tampons. Schools remain obligated to post a notice outlining this requirement, including the text of Education Code section 35292.6 and the contact information of the person designated responsible for maintaining the restroom's supply of menstrual products.

AB 659: Cancer Prevention Act

AB 659 adds section 48980.4 to the Education Code, which requires both public and private schools to notify the parents and guardians of students entering sixth grade that it is the State's public policy recommendation for all students to receive full HPV immunization before entering eighth grade. The notification must contain a statement about the State's public policy, which is outlined in the newly added Health and Safety Code section 120336 and advise that students adhere to current immunization guidelines. The notification must include a statement summarizing the recommended ages for HPV vaccination and the scientific rationale for vaccination at those ages. In addition, the notification must state, "HPV vaccination can prevent over 90 percent of cancers caused by HPV. HPV vaccines are safe, and scientific research shows that the benefits of HPV vaccination far outweigh the potential risks."

HPV is not currently a mandated vaccine and students are not required to receive full HPV immunization to promote into eighth grade.

AB 659 also adds section 120390.6 to the Health and Safety Code, which asserts a State policy that students who are 26 years old and younger are advised to receive full HPV immunization before first-time enrollment at an institution within California Community Colleges, California State Universities, or the Universities of California.

SB 541: Contraceptives

SB 541 was vetoed by the Governor and will not go into effect. SB 541 would have required public schools to make free internal and external condoms available to students in grades nine to 12 through a minimum of two easily accessible locations on campus, among other provisions.

In a statement explaining his decision to veto SB 541, Governor Newsom cited the cost and noted this approach should instead be considered during the State's annual budget process.

Takeaways

Given the changes described above, public schools offering any combination of classes from grades three to 12 should have their restrooms stocked with accessible and free menstrual products on or before the start of the 2024-25 school year. In addition, these schools should post the required notice containing the text of Education Code section 35292.6 before the start of the 2024-2025 school year.

Additionally, AB 659 requires both public and private schools to notify incoming sixth grade students of the State's public policy for all students to receive full HPV immunization before entering eighth grade. Schools should have such notifications prepared to provide to incoming sixth graders in the 2024 school year.

If you have any questions about the impact of AB 230 and AB 659 on your schools, or about student health issues in general, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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