

California to consider free condoms in high schools again, this time with funding request

By Eric He

02/14/2024 08:00 AM EST

Months after Gov. [Gavin Newsom](#) cited cost in rejecting [a proposal](#) to require California's public high schools provide free condoms to students, state Sen. [Caroline Menjivar](#) (D-Panorama City) reintroduced the measure — and this time, she's hoping to guarantee funding in the budget.

Menjivar's [SB 954](#) would mandate that high schools make condoms easily accessible for students, and further, it would explicitly prohibit stores from refusing to sell condoms based on a customer's age.

Sexually transmitted infections have steadily increased in California and across the nation in recent years — with [syphilis rates rising](#) 31 percent in the state from 2017 to 2021, and infections [disproportionately affecting](#) people under the age of 25, people of color and gay or bisexual men.

A similar bipartisan [bill from Menjivar last year](#) cleared the Legislature, but Newsom [vetoed it](#) because Menjivar did not make a funding request last year and the \$4 million cost was not included in the budget process. This year, Menjivar is seeking to have \$5 million appropriated over the next three years to cover the measure — amounting to roughly \$1.6 million a year, which she described as a “penny” relative to the rest of the budget.

The Southern California lawmaker, who is entering her second full year in the Legislature, told POLITICO she was inspired to propose the law after speaking with youth who had trouble accessing condoms due to cost or shame, adding that rural areas do not have the same resources as their urban counterparts.

Menjivar sees the legislation as a way to both address California's “STI crisis” and for the state to save money on the front end.

“We're seeing year and year again, California spend millions and millions of dollars on reactive measures after an individual obtains an STI versus being preventative,” Menjivar said.

WHAT'S IN THE BILL?

This Pro Bill Analysis is based on the [text of the bill](#) as introduced on Jan. 22.

The bill declares in its findings that condoms are an effective tool to reduce sexually transmitted infections, citing CDC statistics that show [one in five](#) people in the United States have an STI and that youth of color have [disproportionately higher](#) STI rates. Californians spend approximately \$1 billion a year on STI treatment (Sec. 1).

However, condom use among sexually active teens has declined over the last decade, according to CDC data referenced in the measure. The bill states that teens face barriers to accessing condoms, such as cost and being shamed at stores when trying to purchase them. Only 7.2 percent of high schools and 2.3 percent of middle schools provided students with condoms in 2014, [according to the CDC](#).

The findings also note that, in 2020, Vermont became the first state to [pass legislation](#) requiring schools to provide condoms (Sec. 1).

The measure would add to the [California Education Code](#) to require public schools to make condoms available to students in grades 9 through 12 free of charge, prior to the start of the 2025-26 school year. Schools would need to place condoms in at least two locations on school grounds that are easily accessible during school hours, without students needing help or permission from staff to access (Sec. 2).

At the beginning of each school year, the school would have to inform students of the availability of condoms, through official channels . Additionally, it would have to post a notice prominently on campus with the following details (Sec. 2):

— Contact information of the person responsible for maintaining the supply of condoms

— A suggestion that abstaining from sexual activity and injection drug use is the only certain way to prevent HIV and STIs, and abstaining from sexual intercourse is the only way to prevent an unintended pregnancy

— Information directing individuals to places where they can learn on how to use condoms properly, as well as resources for testing and treating sexually transmitted infections, preventing pregnancy and addressing sexual assault and intimate partner violence.

Public schools serving students in grades 7 through 12 would need to make condoms available during educational or public health programs and initiatives, like campus health fairs or via school health center staff (Sec. 2).

The measure would allow a school, department or state agency to accept donations of condoms from a manufacturer or wholesaler, and it would encourage public schools to partner with local health districts, community health centers, nonprofit organizations or the state’s public health department (Sec. 2).

The bill would further amend the Education Code to bar school districts, the state Department of Education or county education office from prohibiting a school-based health center that serves a public school with 7th to 12th grade students to make condoms available to students on site (Sec. 3).

A school-based health center, as defined in the measure, provides age-appropriate health care services and is located near or at a public school. It could also serve two or more schools that might not be next to each other (Sec. 3).

Next, the legislation would add Chapter 7.7 to Part 5 of the [California Health and Safety Code](#) prohibiting stores from refusing to sell condoms based on a customer’s age. A store would not be allowed to ask for identification from a youth attempting to purchase nonprescription contraceptives, unless other federal or state laws apply (Sec. 4).

Lastly, the state would pay back local agencies and school districts for costs related to the measure, if it is determined that the costs are reimbursable (Sec. 5).

WHO ARE THE POWER PLAYERS?

Sen. [Caroline Menjivar](#) (D-Panorama City) reintroduced the legislation late last month, with Sen. [Susan Rubio](#) (D-Baldwin Park) and Sen. [Scott Wiener](#) (D-San Francisco) signing on as co-authors.

Generation Up, Black Women for Wellness Action Project, California School-Based Health Alliance, Essential Health Access and **URGE California** [are sponsors](#) of the bill.

Sponsors heard from youth across the state regarding the benefits of having condoms accessible at school — and youth groups like Generation Up have helped advance the policy, according to **Amy Moy**, co-CEO of Essential Health Access.

While both the [Los Angeles](#) and [San Francisco Unified](#) school districts have long-standing condom access programs, Moy said that rural areas in the Central Valley, San Bernardino and Riverside counties, along with conservative-leaning parts of the state, lack the same access to such services and general health education.

The fate of the bill — which is identical to [last year’s effort](#) — may be up to Gov. [Gavin Newsom](#), who will likely again cite cost in rejecting proposals in what projects to be a bad budget year. Menjivar said her funding request would either be considered in [Menjivar’s Budget Subcommittee](#) on Health and Human Services or in the [Education Subcommittee](#), which is chaired by Sen. [John Laird](#) (D-Santa Cruz).

Moy said she heard the governor’s message “loud and clear” and hopes that earmarking funding will be the difference this year.

“With a modest investment, we can go a long way in helping to have more responsible actions when it comes to public health and our state’s fiscal security as well,” Moy said in an interview with POLITICO.

Moreover, Moy hopes that having a specific sunset date for the funding will help stakeholders gauge the effectiveness of the program. Discussions are ongoing about how to best track the number of condoms distributed, including a possible centralized system that would provide metrics on how many condoms are being supplied to each school.

However, the proposal stirred up conservatives last year, with the right-leaning groups **California Policy Center** and the **California Family Council** serving as the only registered opposition. The California Family Council [argued that](#) giving away condoms to youth would perpetuate hook-up culture and meaningless sex.

“Listen, I want a million dollars,” Menjivar said in response. “You can't just say, ‘Oh, this is what you shouldn't do,’ and everyone's going to follow that. We need to make sure that there's options for when you decide — on your own — what you're going to do with your body.”

WHAT'S HAPPENED SO FAR?

In 2020, Vermont became the first state to [pass legislation](#) requiring middle and high schools to provide condoms to students, via a bill that was introduced by Rep. [Francis McFaun](#) (R-Barre Town) and signed into law by a Republican Gov. [Phil Scott](#). McFaun [told Vermont Public Radio](#) at the time that he hoped the bill would prevent teenagers from having abortions, by providing more access to contraceptives.

Republicans in California, meanwhile, were less receptive to the proposal, largely voting against the measure last year and [introducing legislation](#) in the Senate this year that would allow parents to be more involved in sexual education curriculum. Assemblymembers [Juan Alanis](#) (R-Modesto), [Laurie Davies](#) (R-Laguna Niguel) and [Marie Waldron](#) (R-Escondido) were the only three GOP members in the Legislature to support the bill, and all Senate Republicans were against it.

Senate Minority Leader [Brian Jones](#) (R-Santee) framed Menjivar's bill as a parental rights issue in a [letter to Newsom](#) requesting a veto, stating that parents should be the ones to discuss condoms with their children.

“Really Governor? Handing out condoms to children as young as 12 or 13 years old? Is that really what schools in California should be doing?” Jones wrote.

Newsom stated in last year's veto message that “evidence-based strategies, like increasing access to condoms, are important to supporting improved adolescent sexual health.”

The 2023 measure originally also would have required the state to cover HPV vaccinations for youth between the ages of 12 and 18, but Menjivar agreed to remove the provision in order to help reduce the cost of the proposal. This year's bill does not address the HPV vaccine, though Moy said the issue remains a priority down the line.

WHAT'S NEXT?

The bill is expected to be assigned to the Senate's Education and Health committees, and Menjivar is not too concerned about the proposal passing out of policy committees.

However, Menjivar said she would reconsider the bill if by the May revision, the state's budget deficit [is as bad](#) as the \$68 billion that the Legislative Analyst's Office projected last December. As chair of the Budget Subcommittee on Health and Human Services, Menjivar said wants to make sure other priorities such as childcare and foster care services are also funded.

“There are so many things that we want to make sure we protect,” Menjivar said.

WHAT ARE SOME STORIES ON THE BILL?

[Read POLITICO news on SB 954.](#)