

1 HOUSE BILL NO. 734

2 INTRODUCED BY L. SCHUBERT, E. ALBUS, J. FULLER, C. HINKLE, N. DURAM, B. MITCHELL, K.
3 SEEKINS-CROWE, J. TREBAS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE DISPENSING OF MENSTRUAL PRODUCTS
6 IN MALE-DESIGNATED BATHROOMS IN PUBLIC EDUCATIONAL INSTITUTIONS; PROVIDING
7 LEGISLATIVE FINDINGS AND PURPOSE; REQUIRING ENFORCEMENT BY THE SUPERINTENDENT OF
8 PUBLIC INSTRUCTION AND THE BOARD OF REGENTS OF HIGHER EDUCATION; PROVIDING
9 DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Responsible
14 Restroom Allocation Act".

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16 NEW SECTION. **Section 2. Legislative findings -- purpose.** (1) The legislature finds that menstrual
17 products are specifically designed for individuals who experience menstruation, a biological function exclusive
18 to females and that providing menstrual products in male-designated restrooms is unnecessary and represents
19 an inefficient use of public funds.

20 (2) The legislature further finds that the proper allocation of public education resources should
21 prioritize essential educational needs, school safety, and services that directly benefit students based on
22 biological realities and practical necessity.

23 (3) The legislature acknowledges that the governor has signed House Bill No. 121 in 2025, which
24 establishes that individuals may only use bathrooms corresponding to their biological sex in public facilities.
25 However, this act remains necessary to ensure that restroom facilities in Montana public schools and
26 universities are appropriately designated not only in terms of access but also in the allocation of resources,
27 ensuring that taxpayer funds are used efficiently and in accordance with biological realities.

28 (4) The purpose of [this act] is to ensure that taxpayer resources are allocated appropriately and

1 that restroom facilities in Montana's public schools and universities remain consistent with biological realities
2 and practical necessity.

3
4 **NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 4], unless the context clearly
5 indicates otherwise, the following definitions apply:

6 (1) "Female" means a member of the human species who, under normal development, has XX
7 chromosomes and produces or would produce relatively large, relatively immobile gametes, or eggs, during her
8 life cycle and has a reproductive and endocrine system oriented around the production of those gametes. An
9 individual who would otherwise fall within this definition, but for a biological or genetic condition, is female.

10 (2) "Female-designated bathroom" means a restroom facility in a public educational institution that
11 is designated for use by female students, faculty, or staff.

12 (3) "Male" means a member of the human species who, under normal development, has XY
13 chromosomes and produces or would produce small, mobile gametes, or sperm, during his life cycle and has a
14 reproductive and endocrine system oriented around the production of those gametes. An individual who would
15 otherwise fall within this definition, but for a biological or genetic condition, is male.

16 (4) "Male-designated bathroom" means a restroom facility in a public educational institution that is
17 designated for use by male students, faculty, or staff.

18 (5) "Menstrual products" means tampons, sanitary pads, menstrual cups, or any similar products
19 designed for the absorption or collection of menstrual fluid.

20 (6) "Public educational institution" means an elementary school, middle school, or high school that
21 receives public funding, a unit of the Montana university system, or a community college.

22
23 **NEW SECTION. Section 4. Prohibition on placement of menstrual products in male-designated**
24 **restrooms -- enforcement.** (1) A public educational institution may not provide, install, or maintain menstrual
25 product dispensers in male-designated restrooms.

26 (2) Existing menstrual product dispensers in male-designated restrooms must be removed within
27 60 days of [the effective date of this act].

28 (3) (a) The superintendent of public instruction shall oversee compliance with this section for public

1 elementary and secondary schools.

2 (b) The board of regents of higher education shall oversee compliance for units of the Montana
3 university system and community colleges.

4 (4) A public educational institution found in violation of this section must receive a written notice
5 from the applicable overseeing authority under subsection (3) and shall remove menstrual product dispensers
6 in violation of this section within 30 days.

7 (5) If a public educational institution fails to comply within the designated timeframe, the
8 appropriate overseeing authority may withhold a portion of administrative funding until compliance is achieved.

9 (6) This section does not prohibit public educational institutions from providing menstrual products
10 in female-designated restrooms or making them available in nurse's offices, student health centers, or other
11 appropriate locations.

12
13 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 4] are intended to be
14 codified as an integral part of Title 20, chapter 1, part 2, and the provisions of Title 20, chapter 1, part 2, apply
15 to [sections 1 through 4].

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17 **NEW SECTION. Section 6. Effective date.** [This act] is effective on passage and approval.

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