

**Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0024.01 Megan Waples x4348

**HOUSE BILL 22-1055**

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**HOUSE SPONSORSHIP**

**Lontine and Herod**, Bacon, Bernett, Cutter, Duran, Esgar, Froelich, Hooton, Jodeh, Kipp, McLachlan, Michaelson Jenet, Sirota, Titone, Young

**SENATE SPONSORSHIP**

**Jaquez Lewis and Winter**, Buckner, Gonzales, Story

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**House Committees**

Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING A SALES AND USE TAX EXEMPTION FOR ESSENTIAL**  
102 **HYGIENE PRODUCTS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates a state sales tax exemption commencing January 1, 2023, for all sales, storage, use, and consumption of feminine hygiene products and diapers. The bill further provides that local statutory taxing jurisdictions may choose to adopt either or both exemptions by express inclusion in their sales and use tax ordinance or resolution.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 39-26-717, **amend**  
3 (2)(k) and (2)(l); and **add** (1)(a.5), (1)(b.5), (2)(m), and (2)(n) as follows:

4 **39-26-717. Drugs and medical and therapeutic devices -**  
5 **legislative declaration - definitions - repeal.** (1) As used in this section,  
6 unless the context otherwise requires:

7 (a.5) "INCONTINENCE PRODUCTS AND DIAPERS" MEANS ABSORBENT  
8 CLOTH OR DISPOSABLE PRODUCTS WORN BY HUMANS WHO ARE INCAPABLE  
9 OF, OR HAVE DIFFICULTY, CONTROLLING THEIR BLADDER OR BOWEL  
10 MOVEMENTS.

11 (b.5) "PERIOD PRODUCTS" MEANS CONSUMER PRODUCTS USED TO  
12 MANAGE MENSTRUATION.

13 (2) The following are exempt from taxation under part 1 of this  
14 article 26:

15 (k) All sales of nonprescription drugs or materials when furnished  
16 by a practitioner as part of professional services provided to a patient; ~~and~~

17 (l) All sales of corrective eyeglasses, contact lenses, or hearing  
18 aids; AND

19 (m) (I) ALL SALES OF PERIOD PRODUCTS PURCHASED ON AND  
20 AFTER JANUARY 1, 2023.

21 (II) IN ACCORDANCE WITH SECTION 39-21-304 (1), WHICH  
22 REQUIRES EACH BILL THAT CREATES A NEW TAX EXPENDITURE TO INCLUDE  
23 A TAX PREFERENCE PERFORMANCE STATEMENT AS PART OF A STATUTORY  
24 LEGISLATIVE DECLARATION, THE GENERAL ASSEMBLY HEREBY FINDS AND  
25 DECLARES THAT:

26 (A) THE GENERAL LEGISLATIVE PURPOSE OF THE EXEMPTION

1 ALLOWED BY THIS SUBSECTION (2)(m) IS TO PROVIDE TAX RELIEF FOR  
2 CERTAIN INDIVIDUALS;

3 (B) THE SPECIFIC LEGISLATIVE PURPOSE OF THE EXEMPTION  
4 ALLOWED BY THIS SUBSECTION (2)(m) IS TO INCREASE THE AFFORDABILITY  
5 OF PERIOD PRODUCTS AND TO REDRESS THE INEQUITABLE BURDEN THAT  
6 THE IMPOSITION OF SALES TAX PLACES ON MILLIONS OF WOMEN IN  
7 COLORADO FOR WHOM SUCH PRODUCTS ARE ESSENTIAL; AND

8 (C) IN ORDER TO ALLOW THE GENERAL ASSEMBLY AND THE STATE  
9 AUDITOR TO MEASURE THE EFFECTIVENESS OF THE EXEMPTION, THE  
10 STATE AUDITOR SHALL IDENTIFY AVAILABLE DATA SOURCES AND  
11 ESTIMATE THE SAVINGS THAT THE EXEMPTION PROVIDES TO TAXPAYERS  
12 IN COLORADO FOR WHOM PERIOD PRODUCTS ARE ESSENTIAL DURING THE  
13 STATE AUDITOR'S EVALUATION OF THE EXEMPTION PURSUANT TO SECTION  
14 39-21-305.

15 (III) NOTWITHSTANDING SECTION 39-21-304 (4), THE EXEMPTION  
16 IN THIS SUBSECTION (2)(m) CONTINUES INDEFINITELY.

17 (n) (I) ALL SALES OF INCONTINENCE PRODUCTS AND DIAPERS  
18 PURCHASED ON AND AFTER JANUARY 1, 2023.

19 (II) IN ACCORDANCE WITH SECTION 39-21-304 (1), WHICH  
20 REQUIRES EACH BILL THAT CREATES A NEW TAX EXPENDITURE TO INCLUDE  
21 A TAX PREFERENCE PERFORMANCE STATEMENT AS PART OF A STATUTORY  
22 LEGISLATIVE DECLARATION, THE GENERAL ASSEMBLY HEREBY FINDS AND  
23 DECLARES THAT:

24 (A) THE GENERAL LEGISLATIVE PURPOSE OF THE EXEMPTION  
25 ALLOWED BY THIS SUBSECTION (2)(n) IS TO PROVIDE TAX RELIEF FOR  
26 CERTAIN INDIVIDUALS;

27 (B) THE SPECIFIC LEGISLATIVE PURPOSE OF THE EXEMPTION

1 ALLOWED BY THIS SUBSECTION (2)(n) IS TO INCREASE THE AFFORDABILITY  
2 OF INCONTINENCE PRODUCTS AND DIAPERS AND TO REDRESS THE  
3 INEQUITABLE BURDEN THAT THE IMPOSITION OF SALES TAX PLACES ON  
4 MILLIONS OF PARENTS, INDIVIDUALS CARING FOR INFANTS AND YOUNG  
5 CHILDREN, AND OTHER USERS OF INCONTINENCE PRODUCTS IN COLORADO  
6 FOR WHOM SUCH PRODUCTS ARE ESSENTIAL; AND

7 (C) IN ORDER TO ALLOW THE GENERAL ASSEMBLY AND THE STATE  
8 AUDITOR TO MEASURE THE EFFECTIVENESS OF THE CREDIT, THE STATE  
9 AUDITOR SHALL IDENTIFY AVAILABLE DATA SOURCES AND ESTIMATE THE  
10 SAVINGS THE EXEMPTION PROVIDES TO TAXPAYERS IN COLORADO FOR  
11 WHOM INCONTINENCE PRODUCTS AND DIAPERS ARE ESSENTIAL DURING  
12 THE STATE AUDITOR'S EVALUATION OF THE EXEMPTION PURSUANT TO  
13 SECTION 39-21-305.

14 (III) NOTWITHSTANDING SECTION 39-21-304 (4), THE EXEMPTION  
15 IN THIS SUBSECTION (2)(n) CONTINUES INDEFINITELY.

16 **SECTION 2.** In Colorado Revised Statutes, 29-2-105, add  
17 (1)(d)(I)(Q) and (1)(d)(I)(R) as follows:

18 **29-2-105. Contents of sales tax ordinances and proposals.**

19 (1) The sales tax ordinance or proposal of any incorporated town, city,  
20 or county adopted pursuant to this article 2 shall be imposed on the sale  
21 of tangible personal property at retail or the furnishing of services, as  
22 provided in subsection (1)(d) of this section. Any countywide or  
23 incorporated town or city sales tax ordinance or proposal shall include the  
24 following provisions:

25 (d) (I) A provision that the sale of tangible personal property and  
26 services taxable pursuant to this article 2 shall be the same as the sale of  
27 tangible personal property and services taxable pursuant to section

1 39-26-104, except as otherwise provided in this subsection (1)(d). The  
2 sale of tangible personal property and services taxable pursuant to this  
3 article 2 shall be subject to the same sales tax exemptions as those  
4 specified in part 7 of article 26 of title 39; except that the sale of the  
5 following may be exempted from a town, city, or county sales tax only by  
6 the express inclusion of the exemption either at the time of adoption of  
7 the initial sales tax ordinance or resolution or by amendment thereto:

8 (Q) THE EXEMPTION FOR SALES OF PERIOD PRODUCTS AS SPECIFIED  
9 IN SECTION 39-26-717 (2)(m).

10 (R) THE EXEMPTION FOR SALES OF INCONTINENCE PRODUCTS AND  
11 DIAPERS AS SPECIFIED IN SECTION 39-26-717 (2)(n).

12 **SECTION 3. Act subject to petition - effective date.** This act  
13 takes effect at 12:01 a.m. on the day following the expiration of the  
14 ninety-day period after final adjournment of the general assembly; except  
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
16 of the state constitution against this act or an item, section, or part of this  
17 act within such period, then the act, item, section, or part will not take  
18 effect unless approved by the people at the general election to be held in  
19 November 2022 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor.