A BILL FOR AN ACT

CONCERNING A SALES TAX EXEMPTION FOR FEMININE HYGIENE PRODUCTS.

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, 2018, for all sales, storage, and use of feminine hygiene products. The bill further specifies that local statutory taxing jurisdictions may choose to adopt the same exemption by express inclusion in their sales and use tax ordinance or resolution.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly hereby finds and declares that the intended purpose of the tax expenditure in this act is to increase the affordability of feminine hygiene products and to redress the inequitable burden that such tax places on the millions of women in Colorado for whom such products are medically essential.

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

39-26-717. Drugs and medical and therapeutic devices - definitions. (1) The following shall be exempt from taxation under the provisions of part 1 of this article ARTICLE 26:

(k) All sales of nonprescription drugs or materials when furnished by a licensed provider as part of professional services provided to a patient; and

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

(m) ALL SALES OF FEMININE HYGIENE PRODUCTS PURCHASED ON AND AFTER JANUARY 1, 2018.

(2) As used in this section, unless the context otherwise requires:

(a.5) "FEMININE HYGIENE PRODUCTS" MEANS TAMpons, MENSTRUAL PADS AND SANITARY NAPKINS, PANTILINERS, MENSTRUAL SPONGES, AND MENSTRUAL CUPS.

SECTION 3. In Colorado Revised Statutes, 29-2-105, amend (1) introductory portion and (1)(d)(I) introductory portion; and add (1)(d)(I)(O) as follows:
29-2-105. Contents of sales tax ordinances and proposals - 
repeal. (1) The sales tax ordinance or proposal of any incorporated town, 
city, or county adopted pursuant to this article shall MUST be imposed on 
the sale of tangible personal property at retail or the furnishing of 
services, as provided in paragraph (d) of this subsection (1) SUBSECTION 
(1)(d) OF THIS SECTION. Any countywide or incorporated town or city 
sales tax ordinance or proposal shall MUST include the following 
provisions:

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

(O) THE EXEMPTION FOR SALES OF FEMININE HYGIENE PRODUCTS 
AS SPECIFIED IN SECTION 39-26-717 (1)(m).

SECTION 4. Act subject to petition - effective date. This act 
takes effect at 12:01 a.m. on the day following the expiration of the 
ninety-day period after final adjournment of the general assembly (August 
9, 2017, if adjournment sine die is on May 10, 2017); except that, if a 
referendum petition is filed pursuant to section 1 (3) of article V of the 
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in
November 2018 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.