

New York, NY (Newsworthy.ai) Tuesday Jun 20, 2023 @ 6:00 AM Pacific —Senate Bill 379 became law on June 19, 2023; a historic day for menstrual equity. The bipartisan bill exempts menstrual products from state sales tax, along with diapers, baby bottles, breastfeeding devices, maternity clothing, and other “family care products.”

The law will go into effect on September 1, 2023, marking the end of the imposition of sales tax on menstrual products in the state of Texas. Texas was previously the largest revenue collector in the country of this inequitable tax, with almost \$30 million collected annually.

This landmark legislation comes after years of work by Texas lawmakers, advocates, and lawyers. Representative Donna Howard (D) has introduced tampon tax repeal bills every session since 2017. SB379, which ultimately became law, was sponsored by Senator Joan Huffman (R) and replicated the language used in Howard’s stalled House Bill. Republicans taking ownership of this issue is a victory for the movement. As Howard said: “Imitation is the sincerest form of flattery.”

[Period Law](#) has also been working on this issue in Texas for years, including through its 2019 Tampon Tax Protest, which flooded Comptroller Glenn Hegar’s office with demands for tax refunds. Soon after, Hegar called the taxing of these items “archaic” and said it’s time “to rectify this issue.”

Backed by Governor Greg Abbott (R) - and under threat of a lawsuit filed by Baker Botts challenging the tax as unconstitutional - Texas lawmakers, lawyers, and advocates were finally able to put an end to the state collecting money on the purchase of medical necessities. Texas’ actions will no doubt help bring about the end of the tampon tax in the 21 other states where it still exists.

“Texas should’ve never taxed these items to begin with,” said Period Law Executive Director Laura Strausfeld, noting that Texas exempts bandaids, incontinence pads, sunscreen, and many other items from sales tax. “It took protests, a lawsuit, and a deeply dark moment for women’s health in Texas to get us to this point, but we nonetheless enthusiastically celebrate this rare bipartisan win for Texas women.”

Period Law is partnering with the youth-powered nonprofit PERIOD. and CVS Health to eliminate the unfair sales tax on period products in the remaining 21 states. With the assistance of volunteer attorneys from around the country, including a core team from WilmerHale, Period Law has helped reduce the number of “tampon-taxing” states from 40 in 2016 to 21 today.

Menstrual products are medically necessary. The FDA categorizes them as Class I and Class II medical devices. The CARES Act allows reimbursement of menstrual care products as qualified medical expenses through various tax-advantaged accounts (HSAs, Archer MSAs, Health FSAs, and HRAs).

“It’s time to prioritize women’s health and change antiquated policies that are being overlooked because representation at “the table” isn’t reflective of the demographic composition of our society,” stated Lisa White, Director of Strategy & Operations for Period Law.

For more information, please contact suzanne@periodlaw.org or visit our website, periodlaw.org.



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