

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 435

As Recommended by Senate Committee on
Assessment and Taxation

Brief*

SB 435 would provide a sales tax exemption for all sales of period products, diapers, and incontinence products, including disposable and reusable options.

The bill would define:

- “Diapers,” as absorbent garments worn by infants or toddlers who are not toilet trained or by individuals who are incapable of controlling their bladder or bowel movements;
- “Incontinence products,” as products designed specifically for hygiene matters including but not limited to adult diapers; and
- “Period products,” or “menstrual products,” as tampons, panty liners, menstrual cups, sanitary napkins, and other similar tangible personal property designed for period hygiene in connection with the human menstrual cycle.

Background

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Faust-Goudeau.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Senate Committee on Assessment and Taxation

In the Senate Committee hearing, **proponent** testimony was provided by Senator Faust-Goudeau, representatives of Gender Equity and Unite for Reproductive and Gender Equity, and a private citizen. The proponents generally stated the bill would provide a benefit to many Kansans by removing the state sales tax on these types of products.

Written-only proponent testimony was provided by representatives of the Consumer Healthcare Products Association, Equity Period, Flow Forward Foundation, Half Moon Foundation, Honor Moon Foundation, Kansas Coalition Against Sexual and Domestic Violence, Loud Light Civic Action, Period., Period Law, and Planned Parenthood Great Plains Votes, and four private citizens.

Neutral testimony was provided by a representative of the League of Kansas Municipalities. The testimony generally stated the bill would reduce local sales tax and asked for local control over the exemption.

Fiscal Information

According to the fiscal note prepared by the Division of Budget on the bill, the Department of Revenue indicates enactment of the bill would decrease state revenue by \$8.7 million in FY 2025 and \$9.5 million each year for FY 2026, 2027, 2028, and 2029. Of those amounts, \$7.2 million in FY 2025 and \$7.8 million in all future years would be from the SGF and the balance would be from the State Highway Fund.

The fiscal effect associated with the bill is partially reflected in *The FY 2025 Governor's Budget Report*, which includes a sales tax exemption for children's diapers and feminine hygiene products.

The Kansas Association of Counties and the League of Kansas Municipalities indicate the bill would provide a net reduction to local sales tax collections that are used in part to finance local governments.

Taxation; sales tax; exemptions; diapers; incontinence products; period products; menstrual products