2023 HOUSE FINANCE AND TAXATION

HB 1282

2023 HOUSE STANDING COMMITTEE MINUTES

Finance and Taxation Committee

Room JW327E, State Capitol

HB 1282 1/18/2023

A bill relating to a sales and use tax exemption for feminine hygiene products.

Chairman Headland opened the hearing at 11:07AM.

Members present: Chairman Headland, Vice Chairman Hagert, Representative Anderson, Representative Bosch, Representative Dockter, Representative Fisher, Representative Hatlestad, Representative Motschenbacher, Representative Olson, Representative Steiner, Representative Toman, Representative Finley-DeVille, and Representative Ista. **Members absent:** Representative Grueneich.

Discussion Topics:

- Feminine hygiene products taxation
- Medical necessity

Representative Dobervich introduced the bill in support (#14124, 14123).

Kayla Schmidt, Interim Executive Director of the North Dakota Women's Network, testified in support (#14129).

Marty Boeckel, Team Leader for Days for Girls International, testified remotely in support (#13900).

Additional written testimony:

Cory Thrall, Bismarck resident, testimony in support #14151.

Andrew Alexis Varvel, Bismarck resident, testimony in support #14094.

Denise Dockter Kambietz, Bismarck resident, testimony in support #13958.

Elizabeth Larsen, Executive Director for Project BEE, testimony in support #13950.

Andrea Huseth-Zosel, Associate Professor with the Department of Public Health at North Dakota State University, testimony #13893.

Chairman Headland closed the hearing at 11:30AM.

Mary Brucker, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Finance and Taxation Committee

Room JW327E, State Capitol

HB 1282 1/18/2023

A bill relating to a sales and use tax exemption for feminine hygiene products.

Chairman Headland opened the meeting at 2:20PM.

Members present: Chairman Headland, Vice Chairman Hagert, Representative Anderson, Representative Bosch, Representative Dockter, Representative Fisher, Representative Hatlestad, Representative Motschenbacher, Representative Olson, Representative Steiner, Representative Toman, and Representative Ista. **Members absent:** Representative Grueneich, Representative Finley-DeVille.

Discussion Topics:

- Taxation of feminine hygiene products
- Committee vote

Committee discussion.

Representative Ista moved a Do Pass.

Representative Hatlestad seconded the motion.

Roll call vote:

Representatives	Vote
Representative Craig Headland	N
Representative Jared Hagert	N
Representative Dick Anderson	N
Representative Glenn Bosch	N
Representative Jason Dockter	N
Representative Lisa Finley-DeVille	AB
Representative Jay Fisher	N
Representative Jim Grueneich	AB
Representative Patrick Hatlestad	Υ
Representative Zachary Ista	Υ
Representative Mike Motschenbacher	N
Representative Jeremy Olson	Υ
Representative Vicky Steiner	Υ
Representative Nathan Toman	Υ

Motion failed 5-7-2

House Finance and Taxation Committee HB 1282 January 18, 2023 Page 2

Representative Motschenbacher moved a Do Not Pass.

Representative Bosch seconded the motion.

Roll call vote:

Representatives	Vote
Representative Craig Headland	Υ
Representative Jared Hagert	Υ
Representative Dick Anderson	Υ
Representative Glenn Bosch	Υ
Representative Jason Dockter	Υ
Representative Lisa Finley-DeVille	AB
Representative Jay Fisher	Υ
Representative Jim Grueneich	AB
Representative Patrick Hatlestad	N
Representative Zachary Ista	N
Representative Mike Motschenbacher	Υ
Representative Jeremy Olson	N
Representative Vicky Steiner	N
Representative Nathan Toman	N

Motion carried 7-5-2

Representative Hagert is the bill carrier.

Meeting adjourned at 2:29PM.

Mary Brucker, Committee Clerk

Module ID: h_stcomrep_10_019

Carrier: Hagert

REPORT OF STANDING COMMITTEE

HB 1282: Finance and Taxation Committee (Rep. Headland, Chairman) recommends

DO NOT PASS (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1282 was placed on the Eleventh order on the calendar.

TESTIMONY

HB 1282

Regarding: Testimony in support of HB 1282

Jan 17, 2023

My name is Dr. Andrea Huseth-Zosel and I am writing to state my support of HB 1282 to remove the tax on menstrual products. I am an Associate Professor in the Department of Public Health at North Dakota State University (NDSU), and have taught and conducted research on public health issues, including menstrual product access, for nearly eight years. I would like to make clear that the views expressed in this letter are not on behalf of NDSU.

Menstruation is a universal experience. Nearly two billion people worldwide are of menstruating age, and 300 million have their period on any given day (Zivi, 2020). On average, women spend 3,500 days of their lives menstruating (Zivi, 2020).

Period poverty is a real concern in the United States. Period poverty is the inability to access menstrual hygiene products, either because they are just not available, or because individual cannot afford to purchase them (Sommer & Mason, 2021). Menstrual hygiene management (MHM) necessitates acceptable access to needed menstrual supplies. In the United States, nearly one quarter of women had difficulty buying menstrual hygiene products in the past year (Alliance for Period Supplies, 2018). One-fifth of women and girls report missing school or work due to a lack of menstrual supplies (Alliance for Period Supplies, 2018). Among low-income women, 64% report being unable to afford menstrual hygiene products in the past year, while 21% report struggling to purchase supplies monthly (Kuhlmann et al., 2019). Exacerbating issues of access, menstrual products are not covered by federal assistance programs in the United States including the Special Supplemental Nutrition Program for Women, Infants, and Children and the Supplemental Nutrition Assistance Program. Women report using a variety of materials as substitutes for menstrual products when they do not have access to supplies, such as cloth rags, tissue, toilet paper, paper towels, and diapers. Being unable to sufficiently manage menstruation restricts participation in society, contributes to higher rates of school absenteeism and missed activities, and perpetuates gender inequities (Houston et al., 2006; Sommer et al., 2016).

Myself and a colleague from NDSU recently conducted research on the menstruation experiences of middle and high school students in Fargo, and also surveyed Fargo Public School teachers in grades 5-12 to get their perspectives on the experiences of their students experiencing menstruation at school.

More than 13% of teachers surveyed stated they had at least 5 students ask them for assistance with their period during the school year including providing support such as provision of menstrual products including pads and/or tampons. Almost half of the teachers surveyed stated they had menstrual products on hand in case of student need, and of those, more than half stated they purchased the products themselves.

Prior to 2020, menstrual products were not available for student use in any of the school bathrooms in the Fargo school district. Focus groups conducted with middle and high school students illuminated the issues associated with the lack of access to menstrual products within schools, including some participants reporting having to leave school because they did not have menstrual supplies if they experienced their period during the school day. Since 2020, grant funding provided funds to install 2 menstrual product dispensers in each middle school and high school in Fargo – but this is not enough to provide dispensers in each bathroom. Imagine being told that toilet paper is only going to be provided in

half of the bathrooms in a given school building, and that you should "be prepared" by carrying your own toilet paper with you "just in case." Providing a tax exemption for menstrual products would free up additional funds for additional menstrual products to be made available within the schools.

Having access to affordable menstrual products is a very real need. Providing a tax exemption for feminine hygiene products is vital to making menstrual products affordable and thereby more accessible for women and girls in North Dakota.

I hope you will consider my testimony and vote for HB 1282. Thank you.

Sincerely~

Andrea Huseth-Zosel

Martha Boeckel Testimony in support of HB1282 ND House Finance and Taxation Committee January 18, 2023

Chairman Headland and Members of the Committee:

Good morning. My name is Marty Boeckel, and I am here in support of HB1282.

I speak to you as a mother of three, a grandmother to five, and one who has dedicated my life to giving children the tools they need to succeed.

My work background includes serving six years as CEO of the Girl Scouts of Sakakawea Council, where I worked on behalf of hundreds of girls in a 13-county area in North and South Dakota.

In other work, I was part of a successful federal policy initiative that led to violence ratings on every television program. It remains a great safeguard to families today.

Over the past three years, I've been a volunteer and certified Ambassador of Women's Health with Days for Girls (DfG) International. Days for Girls is an award-winning NGO that works to shatter stigma and limitations associated with menstruation for improved health, education and livelihood outcomes. To date, DfG has reached more than 2.7 million women and girls in 144 countries on 6 continents with quality, sustainable menstrual solutions and health education. My work includes providing health education and partnering with governments, coalitions and other development stakeholders to advance global menstrual equity.

To that end, today I am here to talk about menstrual equity in North Dakota, and ways we can work together to achieve it.

Most recent US Census data shows that 48 percent of North Dakota's population is female. Of those approximately 372,000 women, nearly 54 percent are between the ages of 10 and 49. In other words, 197,000 women and girls within our State's borders are menstruating. Data also shows that over 11 percent of North Dakotans live in poverty.

Over her lifetime, a woman has, on an average, 35 years of having a period every month. That equals 2,500 days, each requiring the need for approximately 6-8 products. That's \$8 to \$10 per month for each person. The price quickly adds up, and so does the sales tax. From an equity standpoint, one can easily see the tax adds insult to injury.

Period poverty exists right here in North Dakota. What is period poverty? It is a lack of access to menstrual solutions, or lack of resources to purchase those solutions. I'll be candid. I had not clearly seen the burden created by taxing these products. But now I know, and I cannot look away.

Women and girls need menstrual products to be able to manage their periods safely, hygienically and with dignity. A recent Harris Poll of 1000 U.S. teens ages 13 to 19 suggests that while economic barriers to products are significant, cultural and structural obstacles are also largely to blame. Why do I point this out? Because you, as legislators, can make a big difference by making a small change for girls and women in this state. While the price may seem small to you, the statement it makes is huge when it comes to public awareness and progress toward menstrual equity.

Over the past year and a half, I have partnered with the Youth Action Council of the ND Women's Network to improve access to menstrual solutions. With our Period Pack events around the state, we have made donations of products and distributions possible through school nurses,

teachers, clinics and homeless shelters. In this way, we help ensure women and girls have the products they need, when they need it.

Will eliminating the tax eliminate the problem? No. But it will help. Women and girls do not have a choice whether they get a period or not. Tampons and pads are necessities for people who menstruate. Period taxes are discriminatory because they effectively tax women and girls who have no choice but to buy menstrual products. They are a health-related expense, NOT a luxury item. Even though it might not be intended, taxing these items is tantamount to sex-based discrimination.

Twenty-three states are ahead of ND in the effort to eliminate tax on period products.

Twenty-seven states still tax these products, North Dakota being one of them.

I respectfully appeal to your sense of fairness and ask you to join the movement.

Together, we CAN make a difference.

I urge a DO PASS on HB1282.

Thank you for your time and attention to this important matter.



To: House Finance and Taxation

From: Elizabeth Larsen, Executive Director

Subject: House Bill 1282 - Sales Tax Exemption for Feminine

Hygiene Products
Date: 01/17/2023

Project BEE supports House Bill 1282 to help create a more financially robust North Dakota.

Chairman Craig Headland and Members of the House Finance and Taxation Committee, thank you for the opportunity to testify in support of House Bill 1282. My name is Liz Larsen and I am the Executive Director of Project BEE in Minot, home of the Dakota Diaper Pantry (one of just two National Diaper Bank Members in our great state). Through that program, we also distribute menstrual hygiene products. We serve hundreds of families and individuals in Minot and Western North Dakota. Our vision is to eliminate homelessness by preventing it entirely - through supporting people where they are as they encounter struggles.

As people in our communities struggle to afford essential menstrual products, their economic vulnerability increases, and they miss school and work. It may sound dramatic, but missing school and work is a slippery slope into deeper poverty - and the budgets for supportive services cannot handle an influx of more clients, honestly. We also desperately need more folks to join our workforce in nearly every field, and cannot have that positive economic growth without supporting our menstruating population, especially those in poverty.

Respectfully, our state's policies are a direct reflection of our values. We should not tax menstruators for menstruating. Let's create another tool to attract and retain younger individuals and families in our great state. Essential hygiene need is bipartisan.

Please pass this bill and let everyone know that North Dakota values our menstruating citizens.

Very respectfully

Liz Larsen

701-838-1812 400 E Central Ave. STE 302 Minot, North Dakota, 58701

www.projectbeend.org









NORTH DAKOTA

January 17, 2023

Dear Chairman Craig Headland and Members of the House Finance and Taxation Committee,

I am a citizen of North Dakota and $\underline{\text{support}}$ House Bill 1282 relating to a sales and use tax exemption for feminine hygiene products.

I am the affiliate director for I Support the Girls – North Dakota; an international nonprofit organization helping to make dignity the norm for all persons, one bra and period product at a time. I have made donations to numerous organizations across the state of North Dakota. Of the items I have to donate, at the top of their list is always the need for period products. Period products are a basic human need that provide dignity and are essential to keep teens in class and women at work.

Every North Dakotan deserves to live with dignity. North Dakota needs to acknowledge that period products are essential products like food and medicine and stop taxing them.

I am asking this committee for a Do Pass recommendation on House Bill 1282. Thank you.

Sincerely,

Denise Dockter-Kambeitz

House Finance & Taxation Committee House Bill 1282

Andrew Alexis Varvel

North Dakota State Capitol

Room 327E

January 18, 2023

11:00AM

Chairman Headland and Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck.

I strongly support House Bill 1282, which would exempt feminine hygiene products from our state sales tax.

That said, this bill can be substantially improved.

Masculine hygiene products, also known as condoms, should be exempted too.

Just as tampons maintain intimate feminine hygiene, condoms maintain intimate masculine hygiene.

I am providing this committee with an amendment to this effect, which I very much hope that this bill's sponsors will regard as friendly.

Thank you. I am open for questions from the committee.

Andrew Alexis Varvel 2630 Commons Avenue Bismarck, ND 58503 701-255-6639 mr.a.alexis.varvel@gmail.com

PROPOSED AMENDMENT TO HOUSE BILL NO. 1282

Page 1, line 8, remove "and"

Page 1, line 9, after "products" insert ", and masculine hygiene products"

Page 2, after line 3, insert:

"Masculine hygiene product means a product used to contain semen, including condoms."

Page 2, line 4, replace "c." with "d."

Page 2, line 22, replace "d." with "e."

Page 3, line 5, replace "e." with "f."

Example

North Dakota Family of Five 28 years of paying sales tax on feminine products

28 Years one household member – 2.5 years of pregnancy = \$149.94 in sales tax

5 years two household members = \$25 sales tax

5 years 3 household members = \$17.64 sales tax

Total tax paid by family with 1-3 menstruating members residing together in home: \$193 sales tax

300,684 North Dakotans in menstruation age range x \$5.88/year = \$1,768,022/year in tax revenue

Year	72	73	74	75	76	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	20
Family Member 1																												
Family Member 2																												
Family Member 3																												
Family Member 4																												
Family Member 5																												

Average use of 5 products per day X 6 days x 12 months = 360 products per year per person

\$21 cost/94 products x 4 purchases/year = \$84/year spent on products per person x 7% sales tax = \$5.88 paid in state sales tax per year

HB 1282

Recognition of Feminine Hygiene Products as Necessary Medical Products and to Provide A Sales Tax Exemption
House Finance and Taxation Committee
Testimony of Representative Gretchen Dobervich
January 18, 2023 11:00am

Good Morning Chairman Headland and Members of the House Finance and Taxation Committee. I come before you this morning with the opportunity to expand tax relief efforts across all income brackets in North Dakota and recognize a medically necessary product. House Bill 1282 designates feminine hygiene products, limited to tampons and sanitary napkins also called pads, as state sales tax exempt medically necessary products.

Each month from around age 12 until she is in her mid to late 50's, human females' ovaries release the hormones estrogen and progesterone each month to build up the lining of their uterus in anticipation of a fertilized ovum or egg to attach to it and begin developing into an embryo. If no fertilized ovum attaches, the lining of the uterus breaks down and the woman bleeds it out vaginally over the course of four to seven days. This process is not a choice and one that there is little control over.

So that they may continue to attend school and work, and complete activities of daily living, women utilize tampons, a cotton device inserted in the vagina to absorb uterine lining secretions or a pad worn in their underwear to absorb uterine lining secretions. In some instances, both maybe used. On average a woman uses 3-5 of these products per day, over the course of four to seven days for 12 months a year, except for during a pregnancy and once they have completed menopause. It averages out to around 360 products per year for a total of \$84 per year per woman and \$5.88 in state sales tax.

While these are products used almost exclusively by women, they are not a tax only women pay, the tax on feminine hygiene products is a tax families pay. The chart I handed out to you represents a North Dakota family of five. All family expenses are paid out of a joint household checking account. Three of the household members use the products, two do not. Over the course of 28 years, beginning the year the couple married, until the year the wife stopped menstruating, this family paid taxes on the product although not everyone used them, at the highest point of usage by the family, three of five members were using them, but the household joint checking account was used for the products and the taxes on them.

Pads are not used solely for menstruation. They are used for postpartum bleeding after the delivery of a baby, bleeding after vaginal surgeries and light urinary incontinence, all medically necessary use. Currently, adult incontinence products are recognized as medically necessary and are not a taxable item in North Dakota. Tampons and pads should be categorized as

medically necessary products because they are used to manage the absorption of uterine secretions, postpartum bleeding, post-surgical bleeding and adult urinary incontinence.

Is this a carve out, yes, one for which precedence has been set with the tax exemption of similar products. There are many carve outs in North Dakota's tax code. Flight simulators for example are tax exempt. While I fly a lot and want to be on a plane flown by a well trained pilot, are 300,684 flight simulators purchased for necessary use by North Dakota families? No, but 300,684 North Dakotans need tampons and pads every month.

If North Dakota were to recognize the medical necessity of tampons and pads and exclude them from state sales tax they would be joining 30 other states, plus the five states in doing one little thing that would impact North Dakota families across all tax brackets to directly provide tax relief. Combined with the variety of other tax relief proposals this Legislative Session House Bill 1282 fits nicely in the efforts to keep a few more dollars in North Dakotans pockets.

That concludes my testimony Mr. Chairman and I stand for any questions.

States who do not currently tax feminine hygiene products:

Alaska	Colorado	Maryland	New Jersey	Vermont
Delaware	Connecticut	Massachusetts	New Mexico	Virginia
Montana	Florida	Michigan	New York	Washington
New Hampshire	Illinois	Minnesota	Ohio	District of Columbia
Oregon	Louisiana	Nebraska	Pennsylvania	
California	Maine	Nevada	Rhode Island	



Kayla Schmidt – Interim Executive Director, North Dakota Women's Network Support – HB1282 North Dakota House Finance and Taxation Committee

January 18, 2023

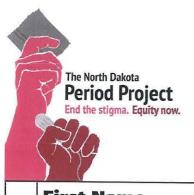
Chair Headland and members of the Finance and Taxation Committee,

The following pages consist of signatures of North Dakotans who support the removal of the "Tampon Tax" by designating menstrual products as medical necessities.

I will provide accompanying oral testimony on behalf of the North Dakota Women's Network during the Finance and Taxation Committee hearing.

Sincerely,

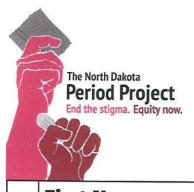
Kayla Schmidt Interim Executive Director



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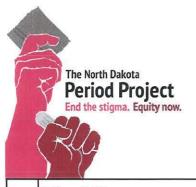
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18.	Krsanne	Ricson	1618mark	58504	Knsuna 810 gmail com
19.	Stella	Conneil-Woodward	10.2	58703	Stella woodward 17 @gmail.c
20.	SUZY	SOPIN	BISMARK	59504	N/M



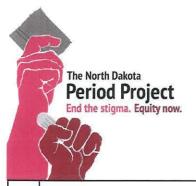
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10.	Sam	Eivista	Bismarck	58504	samisa name Damail. Cory
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12.	Jenessa	Remoy	BISMOVER	58503	j. reinisch aymail. com
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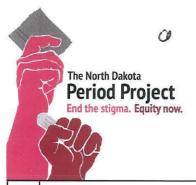
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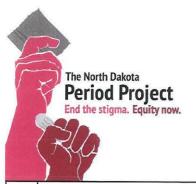
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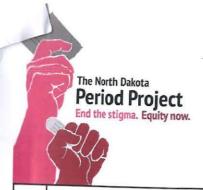
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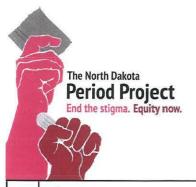
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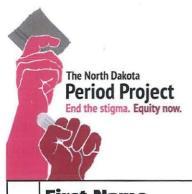
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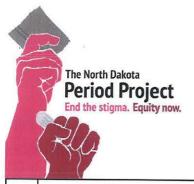
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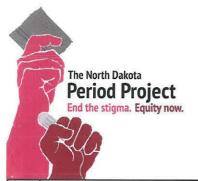
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Testimony in favor of HB 1282 By Cory Thrall, Bismarck resident

I am in favor of HB 1282 which removes taxes from feminine products. Feminine products are necessary items for all menstruating women. That simple fact means that all menstruating women need feminine products as a part of their natural, human, lives, it is egregious that all women have to pay taxes on item that are necessary to their natural existence. These items are taxed as if they were luxury items - items that are not required but are optional.

In our state necessary items are free from tax because they are essential to our existence as humans. Many food items and other necessities fall under this category. One of the items that falls under the category of "necessity" is sunflower seeds. Sunflower seeds are good and they are often a product from our own North Dakota farmers, but a necessity? A necessity on the level of a woman who is menstruating and needs to go to work and can only do so because famine products make it possible while she menstruating? I think not.

I am asking you to support HB 1282 for the sake of every women in our state who absolutely relies on feminine products to live, work and survive because they need feminine products to do so. Please, stop the taxation of these necessary products.

Cory Thrall

Cory Thrall

1309 N 33rd ST #4 Bismarck ND 58501