



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0996/P2
JK:cjs&kms

DOA:.....Martin, BB0111 - Sales tax exemption for diapers and feminine hygiene products

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Sales tax exemption for diapers and feminine hygiene products

This bill creates a sales and use tax exemption for the sale of diapers and feminine hygiene products.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 77.51 (3h) of the statutes is created to read:

77.51 (3h) "Diaper" means an absorbent garment worn by humans who are incapable of, or have difficulty controlling their bladder or bowel movements.

SECTION 2. 77.51 (3pq) of the statutes is created to read:

77.51 **(3pq)** “Feminine hygiene products” means tampons, panty liners, menstrual cups, sanitary napkins, and other similar tangible personal property designed for feminine hygiene in connection with the human menstrual cycle. “Feminine hygiene products” do not include grooming and hygiene products.

SECTION 3. 77.51 (4f) of the statutes is created to read:

77.51 **(4f)** “Grooming and hygiene products” means soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens.

SECTION 4. 77.52 (13) of the statutes is amended to read:

77.52 **(13)** For the purpose of the proper administration of this section and to prevent evasion of the sales tax it shall be presumed that all receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services is not a taxable sale at retail is upon the person who makes the sale unless that person takes from the purchaser an electronic or a paper certificate, in a manner prescribed by the department, to the effect that the property, item, good, or service is purchased for resale or is otherwise exempt, except that no certificate is required for the sale of tangible personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services that are exempt under s. 77.54 (5) (a) 3., (7), (7m), (8), (10), (11), (14), (15), (17), (20n), (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), (52), (66), and (67), (70), (72), and (73).

***NOTE: This is reconciled s. 77.52 (13). This SECTION has been affected by drafts with the following LRB numbers: -0996/P1, -1611/P1, and -1625/P2.

SECTION 5. 77.53 (10) of the statutes is amended to read:

77.53 (10) For the purpose of the proper administration of this section and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable services sold by any person for delivery in this state is sold for storage, use, or other consumption in this state until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless that person takes from the purchaser an electronic or paper certificate, in a manner prescribed by the department, to the effect that the property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable service is purchased for resale, or otherwise exempt from the tax, except that no certificate is required for the sale of tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services that are exempt under s. 77.54 (7), (7m), (8), (10), (11), (14), (15), (17), (20n), (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), (52), ~~and (67), (70), (72), and (73).~~

****NOTE: This is reconciled s. 77.53 (10). This SECTION has been affected by drafts with the following LRB numbers: -0996/P1, -1611/P1, and -1625/P2.

SECTION 6. 77.54 (70) of the statutes is created to read:

77.54 (70) The sales price from the sale of and the storage, use, or other consumption of diapers and feminine hygiene products.

SECTION 9437. Effective dates; Revenue.

(1) DIAPERS AND FEMININE HYGIENE PRODUCTS; GUN SAFETY ITEMS; AND BREASTFEEDING PRODUCTS. The treatment of ss. 77.51 (3h), (3pq), and (4f), 77.52 (13), 77.53 (10), and 77.54 (70), (72), and (73) takes effect on the first day of the 3rd month beginning after publication.

***NOTE: This is a reconciled effective date provision. This SECTION has been affected by drafts with the following LRB numbers: -0996/P1, -1611/P1, and -1625/P2.

(END)