

SENATE BILL REPORT

SB 5092

As of February 8, 2017

Title: An act relating to designating the revenue from the sales and use tax on feminine hygiene products to the women helping women grant program.

Brief Description: Designating the revenue from the sales and use tax on feminine hygiene products to the women helping women grant program.

Sponsors: Senator Wilson.

Brief History:

Committee Activity: Ways & Means: 2/02/17.

Brief Summary of Bill

- Creates the Women Helping Women grant program in the Department of Commerce.
- All funds distributed annually to each county in Washington, based on county population, to local law enforcement and prosecutors to support services for victims of domestic violence, sexual assault, and other crimes against women.
- Funding source is state retail sales and use tax collected on feminine hygiene products. The bill requires revenue from sales tax on these items to be estimated and transferred to the Women Helping Women grant fund annually.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Carrie Graf (786-7708)

Background: Retail sales taxes are imposed on retail sales of most articles of tangible personal property, including feminine hygiene products. A retail sale is a sale to the final consumer or end user of the property. If retail sales taxes were not collected when the consumer purchased the property, then the consumer owes use tax on the value of the property. The state sales and use tax rate is 6.5 percent. Most cities and all counties also levy retail sales and use taxes, with rates varying from 0.5 percent to 3.0 percent.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): The Department of Revenue is required to estimate the state retail sales and use tax collected on feminine hygiene products by June 15th of each year and notify the State Treasurer of this amount. Feminine hygiene products are defined as "sanitary napkins, tampons, menstrual cups, or any other similar product sold at retail designed specifically to catch menstrual flow either internally or externally." The State Treasurer then must transfer this amount from the General Fund to the Women Helping Women account. The first transfer must happen by June 30, 2017.

The funds in the Women Helping Women account must be distributed to each county in Washington based on the population of the county as a percentage of the state's population. Fifty percent of the funds must be distributed to local law enforcement and fifty percent to local prosecutors. The funds must be used to provide training, technical assistance, data collection and other resources for the apprehension, prosecution, and adjudication of persons committing violent crimes against women, and for the protection and safety of victims.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Proposed Substitute: PRO: There's a movement across the country to remove tax on feminine hygiene products. Though it's questionable whether these products should be taxed at all because they are medically necessary, if we are taxing them, the funds should go to supporting domestic violence. Individually the tax is just a drop in the bucket—\$0.02 a day, about \$0.65 a month and an average of \$340 in a woman's entire childbearing lifetime—but collectively these funds can make a dramatic difference, more than tripling the amount currently being directed to prosecuting attorneys and law enforcement for domestic violence to help make more arrests and prosecute these cases. Funding in this area is sorely lacking currently. This is not a new concept, currently the UK directs the tax from women's sanitary products to charities committed to ending violence against women. According to the Washington Association of Sheriffs and Police Chiefs, there were nearly 50,000 cases of domestic violence in Washington in 2014 and 70 percent of the victims were women. Since women already pay the tax, what better way to restore a woman's sense of security and independence than making sure violent perpetrators are convicted and punished. That's why the bill is titled "Women Helping Women". While everyone should pay for the societal problem of domestic violence, until they do, why not use the tax women are already paying to empower other women who need help and reallocate resources to provide more funding for enforcement and prosecuting attorneys to arrest and prosecute these violent offenders? Fearing every day for their lives is no way to live.

Persons Testifying: PRO: Senator Lynda Wilson, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.