

BILL ANALYSIS

S.B. 379
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Ways & Means
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The comptroller of public accounts has exempted "wound care dressings" from the sales and use tax through the rulemaking process. S.B. 379 seeks to codify this exemption in the Tax Code in order to ensure it remains in effect. Furthermore, the bill seeks to also exempt from sales and use taxes adult and children's diapers, baby wipes, feminine hygiene products, maternity clothing, breast milk pumping products, and baby bottles.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 379 amends the Tax Code to include a wound care dressing, an adult or children's diaper, and a baby wipe among the health care supplies exempted from the sales and use tax. For purposes of this exemption, the bill provides the following:

- a product is a wound care dressing if it is used to prevent bacterial contamination of a wound by absorbing wound drainage, protecting healing tissue, or maintaining a moist or dry wound environment, and, more specifically:
 - individual sterile adhesive bandages, sterile rolls or pads of gauze, and surgical and medical tape used to secure a wound care dressing to a patient are all considered to be a wound care dressing; but
 - general purpose absorption items or appliances or devices used to drain bodily fluids or irrigate body cavities are not considered to be a wound care dressing;
- with respect to diapers:
 - a product is a diaper if it is an absorbent garment worn by humans who are incapable of, or have difficulty, controlling their bladder or bowel movements;
 - a product is an adult diaper if it is a diaper other than a children's diaper; and
 - a product is a children's diaper if it is a diaper marketed to be worn by children; and
- a product is a baby wipe if it is a moistened and disposable tissue or towel intended for cleansing the skin of a young child.

S.B. 379 exempts the sale, storage, use, or other consumption of a feminine hygiene product, an article of maternity clothing, a breast milk pumping product, and a baby bottle from the sales and use tax. For purposes of this exemption, the bill defines the following terms:

- "feminine hygiene product" means a tampon, sanitary napkin, menstrual cup, menstrual sponge, menstrual pad, or other similar tangible personal property sold for the principal purpose of feminine hygiene in connection with the menstrual cycle or postpartum care;
- "maternity clothing" means clothing labeled for a woman to wear during pregnancy that is designed to accommodate the changes in body size and shape that occur as a result of a pregnancy or to facilitate breastfeeding, including a nursing bra or nursing pad;
- "breast milk pumping product" means a breast pump, a breast milk storage bag or other container designed to store pumped breast milk, or a pumping bra;
- "breast pump" means an electrically or manually controlled device designed or marketed to be used to express milk from a human breast during lactation, including accessories necessary for use of the device such as flanges and tubing, as well as any battery, AC adapter, or other power supply unit packaged and sold with the device to power the device; and
- "baby bottle" means a bottle fitted with a nipple for giving milk and other drinks to a young child.

S.B. 379 expressly does not affect tax liability accruing before the bill's effective date. That liability continues in effect as if the bill had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

EFFECTIVE DATE

September 1, 2023.