

AMENDED IN ASSEMBLY APRIL 28, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1561**

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**Introduced by Assembly Members Cristina Garcia and Chang**  
**(Coauthors: Assembly Members Baker, Bonilla, Bonta, Campos,**  
**Cooper, Daly, Eggman, Eduardo Garcia, Gipson, Gomez, Hadley,**  
**Jones-Sawyer, Lackey, Levine, Maienschein, McCarty, Medina,**  
**Nazarian, O'Donnell, Rendon, Rodriguez, and Steinorth)**  
(Coauthors: Senators Allen, Anderson, Fuller, Glazer, Huff, Jackson,  
and Wieckowski)

January 4, 2016

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An act to add *and repeal* Section 6363.10~~to~~ of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1561, as amended, Cristina Garcia. Sales and use taxes: exemption: sanitary napkins: ~~tampons~~: *tampons: menstrual cups and sponges*.

Existing sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. Those laws provides various exemptions from those taxes.

This bill, *until January 1, 2027*, would exempt from those taxes the gross receipts from the sale in this state of, and the storage, use, or other

consumption in this state of, *tampons*, sanitary napkins, *menstrual cups*, and *menstrual sponges*.

The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law, and existing law authorizes districts, as specified, to impose transactions and use taxes in accordance with the Transactions and Use Tax Law, which conforms to the Sales and Use Tax Law. Amendments to state sales and use taxes are incorporated into these laws.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse any local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6363.10 is added to the Revenue and
- 2 Taxation Code, to read:
- 3 6363.10. (a) There are exempted from the taxes imposed by
- 4 this part the gross receipts from the sale in this state of, and the
- 5 storage, use, or other consumption in this state of, ~~tampons and~~
- 6 *tampons*, sanitary ~~napkins~~ *napkins*, *menstrual cups*, and *menstrual*
- 7 *sponges*.
- 8 (b) *This section shall become inoperative on January 1, 2027,*
- 9 *and as of that date is repealed.*
- 10 SEC. 2. Notwithstanding Section 2230 of the Revenue and
- 11 Taxation Code, no appropriation is made by this act and the state
- 12 shall not reimburse any local agency for any sales and use tax
- 13 revenues lost by it under this act.
- 14 SEC. 3. This act provides for a tax levy within the meaning of
- 15 Article IV of the Constitution and shall go into immediate effect.
- 16 However, the provisions of this act shall become operative on the

- 1 first day of the first calendar quarter commencing more than 90
- 2 days after the effective date of this act.

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