

Taxing women's bodies: the state of menstrual product taxes in the Americas

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Summary

The taxation of menstrual products has been identified as unfair, imposing economic burden on people who menstruate based simply on a biological difference. These taxes have been described as major contributors to *menstrual poverty*. Although they have been debated among governments, and a focus of political activism, academic literature has largely neglected the issue. Here I comprehensively reviewed the status of menstrual product taxes for all countries and populated territories in the Americas in 2022. Data from 57 countries and territories, and 78 states (those of the United States and Brazil) were included. Since 2012, 10 countries and territories have eliminated taxation on menstrual products—Jamaica, Canada, Saint Kitts & Nevis, Trinidad & Tobago, Guyana, Colombia, Puerto Rico, Mexico, Ecuador, and Barbados. Nevertheless, menstrual product taxes were still applied in 63.2% of locations in 2022, with an average tax rate of 11.2% (ranging from 1.0% in Costa Rica to 22.0% in Uruguay). The average woman of reproductive age in the Americas experienced a menstrual product tax rate of 5.8% in 2022. In sum, despite activism and progress, most of the region continues to employ discriminatory taxation against people who menstruate, with particularly high taxation rates concentrated in South America.

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Introduction

About half of the world's population requires menstrual products during the three-to-four most economically important decades of life. Limited access to menstrual health products and services have been shown to affect dignity, access to health, education, work, and participation in public activities for girls, women, and other people who menstruate.¹ The taxation of menstrual products is a major contributor to deprivations in access to menstrual products for economic reasons, a key element of *menstrual poverty*,² and reflects systematic gender subordination and the segregation of women's needs.

Taxing menstrual products—such as sanitary pads, tampons, and cups—inherently means that the taxable event in question is the biological condition of menstruating. This has been argued to be unfair, and an explicitly *sexist tax*—an element of economic prejudice against women.³ Civil society groups have increasingly held up these taxes as an example of structural discrimination against women, girls, and other people who menstruate.¹ The elimination of taxation on menstrual products is an important strategy to promote gender equity, female empowerment, human rights, and menstrual justice.^{1,4}

In recent years, efforts from civil society have drawn increased attention to the taxation of menstrual products in various sub-regions across the Americas.³ However, the topic has been largely overlooked in the academic literature describing the Americas Region. This viewpoint aims to comprehensively describe the status of taxation on menstrual products among all countries (39) and populated territories (18) in the Americas in 2022, with state-level data for 78 states (the United States—US = 51 and Brazil = 27 states).

A decade of progress towards eliminating sexist taxes

Driven by coordinated efforts from activists, feminist collectives, and policymakers, since 2012, across the Americas, a clear regional trend can be observed, with growing advocacy for the elimination of menstrual product taxes. However, much variation can be seen in national and state-level policies ([Appendix Table 1](#)). In the past decade, nine countries and one territory in the Americas Region have eliminated taxes on menstrual products including: Jamaica, Canada, Saint Kitts & Nevis, Trinidad & Tobago, Guyana, Colombia, Puerto Rico, Mexico, Ecuador, and Barbados.

Jamaica was the first country to eliminate the taxation of menstrual products in the region in 2012, including sanitary towels and tampons in the list of

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goods to remain exempt or zero-rated from the *General Consumption Tax*.⁵ Canada subsequently passed a bill in 2015 to eliminate the 5.0% federal tax rate on menstrual products—11 years after a similar effort failed—in large part because of the highly successful campaign *#NoTaxOnTampons* led by civil society groups.⁶ In the Caribbean, Saint Kitts & Nevis and Trinidad & Tobago included menstrual products in the tax exception/0% tax category in 2015 and 2016, respectively.^{7,8}

In 2017, Guyana's government added sanitary napkins and panty liners to the category of 'household necessities', conferring a zero-rated tax.⁹ In Puerto Rico, the project *Menstruación sin IVU* was proposed to exempt menstrual products from the payment of *Impuesto de Ventas y Uso* (sales and use tax—IVU, similar to a Value Added Tax [VAT]) in 2018.¹⁰

In Colombia, the tax rate on menstrual products was lowered from 16.0% to 5.0% in 2016 as part of the political campaign *Menstruación Libre* (Free Menstruation).¹¹ A couple of years later, a social movement *#Menstruación Libre De Impuestos* (Menstruation free of taxes) advocated for the elimination of menstrual product taxes.³ In response, the Supreme Court of Colombia exempted taxes on menstrual pads and tampons in 2018. Menstrual cups, daily pads, and period underwear were also exempted in 2020.^{3,11}

Mexico, Ecuador and Barbados were the most recent countries to see widespread advocacy against menstrual taxes. Up until 2021, people who menstruate in Mexico and Ecuador paid 16.0% and 12.0% taxes, respectively on menstrual products.¹² The national feminist collective *#Menstruación Digna México* (Menstruation with dignity) advocated in Mexico for the elimination of menstrual product taxes, and promoted initiatives related to menstrual dignity. In 2021, the House of Representatives and the Senate of Mexico revised the level of taxation for menstrual products to 0% at national level.¹² In the same year, Ecuador included menstrual products in the zero-tax rate as part a COVID-19 policy.¹³ Finally, in Barbados, VAT on sanitary towels and tampons was 17.5% until these goods were included on the list of 'essential care and critical items' in 2022, when the tax rate fell to 0%.¹⁴

Current rates of menstrual taxes

Despite this progress, in the Americas region taxes on menstrual products remained highly prevalent in 2022. Such taxes were applied in more than half of the countries and territories in the region (63.2% of locations [71.8% of countries and 44.4% of territories]). The average location had a tax rate of 7.1% on menstrual products, higher among countries (8.8%) than among territories (3.4%). Considering only locations with non-zero tax rates, the average rate was 11.2%, and values ranged from 1.0% in Costa Rica to 22.0% in Uruguay (Fig. 1). Considerable variation can be seen between

sub-regions. Taking each country's and territory's population into account, the average woman of reproductive age in the Americas experienced a menstrual product tax rate of 5.8% in 2022.

In Central America, rates ranged from 1.0% in Costa Rica to 15.0% in Honduras and Nicaragua, with an average rate of 10.8%. In South America nine of 12 countries and territories (64.3%)—Argentina, Bolivia, Brazil, Chile, Paraguay, Peru, Suriname, Uruguay and Venezuela—had taxation on menstrual products, with a sub-region average rate of 15.1%. Taxation rates in this sub-region ranged from 10.0% in Paraguay and Suriname to 22.0% in Uruguay.¹⁵ In the Caribbean more than half of locations had taxation of menstrual products—68.8% of the countries and 50.0% of the territories, including Antigua & Barbuda, Aruba, Bonaire, Curaçao, Dominica, Dominican Republic, Grenada, Guadeloupe, Haiti, Martinique, Montserrat, Saba, Saint Lucia, Saint Martin, Saint Vincent & the Grenadines, Sint Eustatius, Sint Maarten, The Bahamas, and the US Virgin Islands. In the Caribbean, the average taxation rate on menstrual products was 10.0% among locations with these taxes, ranging from 4.0% in the US Virgin Islands to 18.0% in the Dominican Republic.^{15,16} In North America, taxes applied only in 21 of the US states.

Uruguay and Argentina are the countries with the highest menstrual product tax rates in the Americas (22% and 21%, respectively).¹⁵ In recent years civil society groups in Argentina have been actively advocating for the modification of policies related to current menstrual product taxes and menstrual dignity broadly. In 2019, the campaign to visualize gender inequalities and menstruation *#MenstruAcción* was declared of national interest by the Senate and in 2022, 16 bills were in process in Argentina at the national, provincial, and local levels, though none had yet passed at the time of this review.¹⁷

Nicaragua is an important outlier, as the only country in the region that has changed from having no-taxation to implementing taxes on menstrual products during the study period. Menstrual products manufactured in the Nicaragua were not taxed starting in 2012, however in 2019 the Legislative Power in Nicaragua decided to extend the list of taxed goods to increase tax revenue, and imposed a 15.0% tax on menstrual products.^{15,18}

Costa Rica had the lowest taxation rate among locations with non-zero rates, with 1%. However this rate only applied to thin menstrual pads, which were included as basic essential goods; menstrual pads for heavy flow, tampons, and menstrual cup continued to have a VAT of 13.0%.¹⁹

In Aruba the combined Turnover Tax and Health Tax rate is planned to increase in 2023 from 6.0% to 7.0%, which will affect menstrual goods, and the government announced a new taxation system with a 12.5% VAT that will be implemented in 2024.²⁰ In the Bahamas, in 2018, the national government began a petition to

eliminate taxation on menstrual products, in response to the increase of the taxation rate from 7.5% to 12.0% and the continued exclusion of menstrual products from the basic essential goods category.²¹ However, in 2022 the Bahamas still had a tax rate of 12.0%. Similarly, the Grenada government announced that VAT on sanitary pads would be removed in 2023.²²

Importantly, twenty-one countries and territories (representing 19% of studied entities) did not have any sales or indirect taxation system and therefore menstrual taxes were not applied in 2022, including Cuba, Greenland, and some of the UK and French territories (Anguilla, British Virgin Islands, Cayman Islands, Falklands Islands [Malvinas Islands], French Guiana, Saint Barthélemy, Saint Pierre and Miquelon, The Bermudas, and Turks and Caicos). In Cuba the government provided a package of 10-menstrual-pads from the national industry at a subsidized price.²¹ However, these could be insufficient to cover typical menstrual cycle needs and people who menstruate often need to buy products in formal/informal markets.²¹

State-level differences within the US and Brazil

Together Brazil and the US represent more than half of the women of reproductive age in the Americas (~75 and ~60 million, respectively), and both countries have considerable within-country heterogeneity (Appendix Table 2). Brazil eliminated national level taxes on menstrual goods in 2019, but state-level taxes still applied. The US did not have a national taxation system in 2022, but state-level taxation systems are commonplace.

The US Food and Drug Administration categorized tampons, in previous decades, as cosmetics, explaining their status as ‘luxury’ products.¹ In the 1970s, the US Congress changed the classification of menstrual products to fall under the rubric of ‘medical devices’ for consumer-labeling purposes.¹ In 2022, 21 of the 51 US states (including Washington D.C.) (41.1%) had taxation on menstrual products, ranging from 4.0% in Alabama, Georgia, and Wyoming to 7.0% in Indiana, Mississippi, and Tennessee. The average woman of reproductive age in the US experienced a menstrual product tax rate of 2.0%. Among all states, the average tax rate was 2.2%, with an average of 5.5% among states non-zero rates. In many states with existing taxes, menstrual products are classified as non-necessities or non-medical items.¹ This overall lower rate of taxes in the US compared to the average country in the Americas reflects that the ‘menstrual movement’ in the US started several decades before the rest of the region. Twenty-five states eliminated menstrual product taxes between 1981 and 2022.²³ The first states to eliminate these taxes were Minnesota in 1981 and Pennsylvania in 1991.²³ Of note, five states simply do not have a sales tax system.²³

The situation in Brazil is complex, as it has federal-, state-, and municipal-level indirect taxation systems.¹⁵

The *Imposto Sobre Produtos Industrializados* (taxation on industrialized products—IPI) is a federal tax system, which included an exemption for menstrual products beginning in 2019 (*Decree 8950/16*).²⁴ However, at the state level the *Imposto Sobre Circulação de Mercadorias e Serviços* (taxation on goods and services—ICMS) was applied on menstrual products in 19 of the 26 states (including Distrito Federal) (70.4%) in 2022. The average woman of reproductive age in Brazil experienced a menstrual product tax rate of 7.2%. Brazil had a national average ICMS rate on menstrual products of 11.1% among all states, with an average of 15.7% among non-zero rates. Tax rates ranged from 7.0% in Goiás and Rio de Janeiro to 18.0% in Amapá, Amazonas, Paraíba, Pernambuco, Rio Grande do Sul, Segipe, and Tocantins. Since 2005, four states included menstrual pads in their *cesta basica* (list of basic essential goods) resulting in reduction (but not elimination) of tax rates on menstrual products in Minas Gerais, Rio de Janeiro, Goiás, and Maranhão. In these states, rates fell from 17–19% to 7–12%, reflecting a moderate decrease. Menstrual product tax exemptions at the state level were first implemented in 2020 with six states: Alagoas, Ceará, Distrito Federal, Rio Grande do Norte, Pará, and Paraná. According to the UN Population Fund report *Estado da Arte para Promocao da Dignidade Menstrual* (State of Art for Menstrual Dignity Promotion) in Brazil, in the last few years, at least 211 bills pertaining to ‘Menstrual Dignity’ were proposed among state-level Legislative Assemblies, many of which were focused on the elimination of taxes on menstrual products.²⁴ The menstrual movement in Brazil has promoted advocacy campaigns such as *Menstruação Sem Tabu* (menstruation without taboo), and *Dignidade menstrual não é um luxo, é uma necessidade* (menstrual dignity is not a luxury, it is a necessity).²⁴

Much work remains in the struggle against menstrual taxes

Despite progress, most of the Americas region continues to employ discriminatory taxation against people who menstruate. The Americas region had a population of ~260 million women of reproductive age in 2022, and the average woman paid a tax rate of 5.8%. Most countries continue to tax menstrual products, despite growing recognition of this social issue.

Notably, in most locations with these taxes, menstrual products receive the maximum tax rate, placing them among other ‘luxury’ products.³ Importantly, the Americas region has one of highest levels of social inequality globally, including large economic gaps between men and women.³ In Latin America and the Caribbean, women earn less than 90 cents for every dollar men make,²⁵ in the US, 82 cents,²⁶ and in Canada, 77 cents.²⁷ Menstruation management impacts the health and wellbeing of women and people who

menstruate, however, legislation on menstrual products has been shaped historically and politically by men.⁴ The Americas region is far from achieving gender parity in parliaments.²⁸ According to the Organisation for Economic Co-operation and Development Observatory of Women in Politics, in 2019 only five countries—Cuba (53%), Nicaragua (52%), Mexico (48%), Bolivia (46%), and Costa Rica (46%)—in the Americas were close to the gender parity benchmark in political representation (i.e., percentage of total parliamentarians).²⁸ The remaining countries have a range of women in politics from 2.5% (Haiti) to 45% (Argentina).²⁸ For example, in the US and Brazil, only 28% of the congress and 15% of the parliament seats were held by women, respectively.^{28,29} Women's participation in decision-making is key in the process to propose, adopt, and foster gender justice policies, particularly in legislative positions.

Taxes on menstrual products are often an important tax revenue for governments.³ However, they can represent a heavy financial burden for people who menstruate. This taxation especially affects vulnerable populations such as people experiencing homelessness, those with disabilities, rural and indigenous communities, and people in prison. The elimination of menstrual product taxes can improve access to menstrual health, especially among low-income communities.

Across the Americas, myriad civil society and governments have been promoting different strategies to achieve gender equity and female empowerment. The elimination of menstrual product taxes is one of these strategies focused on 'Menstrual Dignity'.^{1,30} Particularly in Latin America, the 'menstrual movement' encourages the decolonization of menstrual health narratives, highlighting structural gender violence, hegemonic western medicine perspectives, and the invisibility of menstrual needs in public and political agendas. Importantly, these fiscal policies are often combined with bills for menstrual education and universal access to menstrual products at schools, universities, prisons, and hospitals. The elimination of discriminatory taxation is not a guarantee of the reduction of cost to consumers. The removal of these taxation should be accompanied with price surveillance, access to menstrual education, health care, water, sanitation, and hygiene services, and campaigns to reduce stigma, ensuring the inclusion of nonbinary and transgender people.^{2,30}

Contributors

ACV conducted the conceptualization, data curation, formal analysis, investigation, methodology, visualization, writing, review and editing of this study.

Declaration of interests

The author has no conflicts of interest to declare.

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Appendix A. Supplementary data

Supplementary data related to this article can be found at <https://doi.org/10.1016/j.lana.2023.100637>.

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