

2017 Regular Session

HOUSE BILL NO. 562

BY REPRESENTATIVE JACKSON

TAX/SALES & USE: Provides with respect to the levy of state sales and use taxes on certain sales of tangible personal property and services

1 AN ACT

2 To amend and reenact R.S. 47:301(10)(c)(ii)(bb) and (l), and to enact R.S. 47:301(14)(l)
3 through (w), (16)(r), 302(BB), 321(P), 321.1(I) and 331(V), relative to sales and use
4 taxes; to provide with respect to the state sales and use tax base; to provide for the
5 taxation of sales of certain services; to provide for exclusions and exemptions; to
6 provide with respect to certain reduced rates of taxation; to provide for effectiveness;
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 47:301(14)(l) through (w) and (16)(r) are hereby enacted to read as
10 follows:

11 §301. Definitions

12 As used in this Chapter the following words, terms, and phrases have the
13 meanings ascribed to them in this Section, unless the context clearly indicates a
14 different meaning:

15 * * *

16 (14) "Sales of services" means and includes the following:

17 * * *

18 (1) The furnishing of personal services including massage parlors, escort
19 services, and turkish baths or steam baths.

1 (m) The furnishing of credit reporting services, including the assembly or
2 furnishing of a credit history or credit information relating to any person.

3 (n)(i) The furnishing of debt collection services, including any activity to
4 collect or adjust a delinquent debt, to collect or adjust a claim, or to repossess
5 property subject to a claim.

6 (ii) The furnishing of debt collection services shall not include any of the
7 following:

8 (aa) The collection of a judgment by an attorney or by a partnership or
9 professional corporation of attorneys if the attorney, partnership, or corporation
10 represented the person in the suit from which the judgment arose;

11 (bb) The collection of court-ordered child support or medical child support;
12 or

13 (cc) A service provided by a person acting as a trustee in connection with the
14 foreclosure sale of immovable property under a lien created by a mortgage or
15 security instrument.

16 (o)(i) The furnishing of insurance services, including insurance loss or
17 damage appraisal, insurance inspection, insurance investigation, insurance actuarial
18 analysis or research, insurance claims adjustment or claims processing, or insurance
19 loss prevention service.

20 (ii) "Insurance service" shall not include insurance coverage for which a
21 premium is paid or commissions paid to insurance agents for the sale of insurance
22 or annuities, or a service performed on behalf of an insured by a person who is
23 licensed as a public insurance adjustor by the Department of Insurance.

24 (p)(i) The furnishing of immovable property services, including any of the
25 following: landscaping; the care and maintenance of lawns, yards, or ornamental
26 trees, or other plants; the removal or collection of garbage, rubbish, or other solid
27 waste; building or grounds cleaning, janitorial, or custodial services; a structural pest
28 control service; and the surveying of immovable property.

1 (ii) The furnishing of immovable property services shall not include any of
2 the following: hazardous or industrial solid waste; waste material that results from
3 an activity associated with the exploration, development, or production of oil, gas,
4 geothermal resources, or any other substance or material; domestic sewage or an
5 irrigation return flow, to the extent the sewage or return flow does not constitute
6 garbage or rubbish; or industrial discharges subject to regulation by permit issued
7 under Louisiana law.

8 (iii) Immovable property service shall not include a service listed under Item
9 (i) of this Subparagraph, if the service is performed by a landman and is necessary
10 to negotiate or secure land or mineral rights for acquisition or trade, including any
11 of the following: determining ownership; negotiating a trade or agreement
12 regarding land or mineral rights; drafting and administering contractual agreements;
13 ensuring that all governmental regulations are complied with; or any other action
14 necessary to complete the transaction related to a service described by this Item,
15 other than an information service under R.S. 47:301(14)(v).

16 (q)(i) The furnishing of data processing services, including word processing,
17 data entry, data retrieval, data search, information compilation, payroll and business
18 accounting data production, and other computerized data and information storage
19 manipulation.

20 (ii) As used in this Subparagraph the following terms and phrases shall have
21 the following meanings:

22 (aa) "Data processing service" means and includes the use of a computer or
23 computer time for data processing whether the processing is performed by the
24 provider of the computer or computer time or by the purchaser or other beneficiary
25 of the service.

26 (bb) "Data processing service" means and includes the use of a computer to
27 perform totalizator services for the purpose of registering wagers and dividing total
28 winnings derived from wagering on the outcome of pari-mutuel races.

1 (cc) "Data processing service" shall not include the transcription of medical
2 dictation by a medical transcriptionist.

3 (dd) "Data storage" shall not include a classified advertisement, banner
4 advertisement, vertical advertisement, or link when the item is displayed on an
5 Internet website owned by another person.

6 (r)(i) The furnishing of immovable property repair and remodeling, including
7 the repair, restoration, remodeling, or modification of an improvement to immovable
8 property.

9 (ii) The furnishing of immovable property repair and remodeling shall not
10 include an improvement to a manufacturing or processing production unit in a
11 petrochemical refinery or chemical plant that provides increased capacity in the
12 production unit.

13 (iii) For purposes of this Subparagraph, the following words and phrases shall
14 have the following meanings:

15 (aa) "Increased capacity" means the capability to produce additional products
16 or services as measured by units per hour or units per year; or a new product or
17 service.

18 (bb) "Production unit" means a group of manufacturing and processing
19 machines and ancillary equipment that together are necessary to create or produce
20 a physical or chemical change beginning with the first processing of the raw material
21 and ending with the finished product.

22 (cc) "New product" means a product that has different product properties and
23 a different commercial application than the product previously manufactured or
24 processed by the production unit that produced the previous product.

25 (s) The furnishing of security services, including services for which a license
26 is required under Louisiana law.

27 (t) The furnishing of telephone answering services.

28 (u) The furnishing of audio and video services, including the streaming or
29 downloading of digital goods as defined in R.S. 47:301(16)(r).

1 (ddd) The sale of tangible personal property by an individual if the
2 individual is not required to be registered as a dealer pursuant to this Chapter.

3 (eee) The sale of tangible personal property by an individual if the
4 individual does not employ an auctioneer, broker, or factor, other than an online
5 auction, to sell the property.

6 (fff) The sale of tangible personal property at a sheriff's sale or tax sale
7 due to foreclosure on the property or the sale by an obligee of tangible personal
8 property acquired by the obligee by foreclosure or otherwise in full or partial
9 satisfaction of an obligation.

10 (II) Notwithstanding any contrary provision in Subsubitem I of this
11 Subitem, the phrase "isolated or occasional sale" shall not include sales of
12 aircraft, boats that are used for recreational purposes, mobile homes, or motor
13 vehicles in this state of a class or type required to be registered, licensed, titled, or
14 documented by this state or by the United States.

15 * * *

16 §302. Imposition of tax

17 * * *

18 BB. Notwithstanding any other provision of law to the contrary, including
19 but not limited to any contrary provision of this Chapter, there shall be no
20 exemptions or exclusions as defined in R.S. 47:301 to the tax levied pursuant to
21 this provisions of this Section, except for the retail sale, use, consumption,
22 distribution, or storage for use or consumption of the following items:

23 (1) Food for home consumption, as defined in R.S. 47:305(D)(1)(n)
24 through (r) on January 1, 2003, as provided in Article VII, Section 2.2 of the
25 Constitution of Louisiana.

26 (2) Natural gas, as provided in Article VII, Section 2.2 of the Constitution
27 of Louisiana.

28 (3) Electricity, as provided in Article VII, Section 2.2 of the Constitution
29 of Louisiana.

- 1 (4) Water, as provided in Article VII, Section 2.2 of the Constitution of
2 Louisiana.
- 3 (5) Prescription drugs, as provided in Article VII, Section 2.2 of the
4 Constitution of Louisiana.
- 5 (6) Gasoline and other motor fuels subject to the state excise tax on fuel.
- 6 (7) Sales to the United States government and its agencies, as provided in
7 R.S. 301(10)(g).
- 8 (8) Other constructions permanently attached to the ground, as provided
9 in R.S. 47:301(16)(l).
- 10 (9) Installation charges on tangible personal property, as provided in R.S.
11 47:301(3)(a).
- 12 (10) Installation of oil field board roads, as provided in R.S.
13 47:301(13)(c).
- 14 (11) Transactions involving the construction or overhaul of United States
15 Navy vessels, as provided in R.S. 47:301(7)(c) and (14)(h).
- 16 (12) Property purchased for exclusive use outside the state, as provided in
17 R.S. 47:305.10.
- 18 (13) Sale, lease or rental of tangible personal property paid by or under
19 the provisions of Medicare, as provided in R.S. 47:315.3.
- 20 (14) Sales of human tissue transplants, as provided in R.S. 47:301(10)(d).
- 21 (15) Sales of raw agricultural products, as provided in R.S. 47:301(10)(e)
22 and 305(A)(3).
- 23 (16) Sales of food by youth serving organizations chartered by congress,
24 as provided in R.S. 47:301(10)(h).
- 25 (17) Tangible personal property sold to food banks as provided in R.S.
26 47:301(10)(j).
- 27 (18) Sales of pollution control devices or systems as provided in R.S.
28 47:301(10)(l).

- 1 (19) Materials used in the collection of blood as provided in R.S.
2 47:301(16)(j).
- 3 (20) Aphaeresis kits and leuko reduction filters as provided in R.S.
4 47:301(16)(k).
- 5 (21) Donation to schools and food banks from resale inventory as
6 provided in R.S. 47:301(18)(a).
- 7 (22) Manufacturers rebates on new motor vehicles as provided in R.S.
8 47:301(3)(e) and (13)(b).
- 9 (23) Lease or rentals of railroad rolling stock as provided in R.S.
10 47:301(4)(k).
- 11 (24) Purchases and leases by free hospitals as provided in R.S.
12 47:301(7)(e), (10)(p) and (18)(c).
- 13 (25) Purchases by nonprofit entities that sell donated goods as provided in
14 R.S. 47:301(8)(f).
- 15 (26) Tangible personal property for resale as provided in R.S.
16 47:301(10)(a)(i).
- 17 (27) Purchases of property for lease or rental as provided in La. R.S.
18 47:301(10)(a)(iii) and (18)(a)(iii).
- 19 (28) Isolated or occasional sales of tangible personal property as provided
20 in R.S. 47:301(1) and (10)(c)(ii)(bb).
- 21 (29) Use of motor vehicles in Louisiana by active duty military as
22 provided in La. R.S. 47:303(A) and 305.48.
- 23 (30) Purchases made with food stamps and WIC as provided in R.S.
24 47:305.46.
- 25 (31) Articles traded in on purchases of tangible personal property as
26 provided in R.S. 47:301(13)(a).
- 27 (32) Donations of toys as provided in R.S. 47:301(10)(aa)(i) and (18)(m).
- 28 (33) Stocks, bonds, notes or other obligations or securities as provided in
29 R.S. 47:301(16)(b)(i).

- 1 (34) Credit for sales and use taxes paid to other states on tangible
2 personal property imported in Louisiana as provided in R.S. 47:303(A)(3)(a).
- 3 (35) Work product of certain professionals as provided in R.S.
4 47:301(16)(e).
- 5 (36) Purchases by regionally accredited independent educational
6 institutions as provided in R.S. 47:301(8)(b).
- 7 (37) Sales through coin-operated vending machines as provided in R.S.
8 47:301(10)(b)(i).
- 9 (38) Purchases by a private postsecondary academic degree-granting
10 institution as provided in R.S. 47:301(10)(cc) and as provided in R.S.
11 47:301(18)(n).
- 12 (39) Purchases of food items for school lunch or breakfast programs by
13 nonpublic elementary or secondary schools as provided in R.S. 47:301(10)(dd).
- 14 (40) Repair services performed in Louisiana when the repaired property is
15 exported as provided in R.S. 47:301(14)(g)(i)(bb).
- 16 (41) Funeral directing services as provided in R.S. 47:301(14)(j).
- 17 (42) Feed and feed additives for animals held for business purposes as
18 provided in R.S. 47:305(A)(4).
- 19 (43) Farm products produced and used by farmers as provided in R.S.
20 47:305(B).
- 21 (44) Sales of fertilizers and containers to farmers as provided in R.S.
22 47:305(D)(1)(f).
- 23 (45) Sales of seeds for planting crops as provided in R.S. 47:305.3.
- 24 (46) Sales of pesticides for agricultural purposes as provided in R.S.
25 47:305.8.
- 26 (47) The cost price for the printing of a news publication as provided in
27 R.S. 47:301(3)(h).
- 28 (48) Vehicle rentals to warranty customers as provided in R.S.
29 47:301(7)(h).

- 1 (49) Lease or rental of a crane and related equipment with an operator as
2 provided in R.S. 47:301(7)(k).
- 3 (50) Sales by and to the state and its political subdivisions as provided in
4 R.S. 47:301(8)(c).
- 5 (51) Sales of materials for further processing as provided in R.S.
6 47:301(10)(c)(i).
- 7 (52) Sales of electricity for chlor-alkali manufacturing as provided in R.S.
8 47:301(10)(c)(ii)(aa).
- 9 (53) The sales price for new farm equipment used in poultry production
10 as provided in R.S. 47:301(13)(c).
- 11 (54) A factory built home as provided in R.S. 47:301(16)(g).
- 12 (55) Any advertising service rendered by an advertising business as
13 provided in R.S. 47:302(D).
- 14 (56) The sale of livestock, poultry, and other farm products direct from a
15 farm as provided in R.S. 47:305(A)(1).
- 16 (57) The sale of livestock at public sales sponsored by breeders' or
17 registry associations or livestock auction markets as provided in R.S.
18 47:305(A)(2).
- 19 (58) The sale of agricultural products by a person other than the producer,
20 for use in further processing as provided in R.S. 47:305(A)(3).
- 21 (59) Transactions in interstate commerce and tangible personal property
22 imported into this state, or produced or manufactured in this state, for export as
23 provided in R.S. 47:305(E).
- 24 (60) Ships, vessels, barges, and related supplies as provided in R.S.
25 47:305.1.
- 26 (61) The sales price for new farm equipment as provided in R.S.
27 47:305.25.
- 28 (62) Trucks and trailers if used at least eighty percent of the time in
29 interstate commerce as provided in R.S. 47:305.50(A).

- 1 (63) Freight cars, piggy-back cars and rolling stock, and railroad ties as
2 provided in R.S. 47:305.45 and 305.50(F).
- 3 (64) Councils on Aging as provided in R.S. 47:305.66.
- 4 (65) Sales of pharmaceuticals administered to livestock for agricultural
5 purposes as provided in R.S. 47:301(16)(f).
- 6 (66) Materials used in the production of crawfish and catfish as provided
7 in R.S. 47:305(A)(5) and (6).
- 8 (67) Sales of room rentals by a camp or retreat facility owned by a
9 nonprofit organization as provided in R.S. 47:301(6)(b).
- 10 (68) Sales of room rentals by homeless shelter as provided in R.S.
11 47:301(6)(c).
- 12 (69) Sales, leases, and rentals of tangible personal property and sales of
13 services necessary to operate free hospitals as provided in R.S. 47:301(7)(e),
14 (10)(p), and (18)(c).
- 15 (70) Sales, leases, or rentals of tangible personal property to Boys State of
16 Louisiana, Inc. and Girls State of Louisiana, Inc. as provided in R.S. 47:301(7)(g)
17 and (10)(r).
- 18 (71) Sales by non profit entities that sell donated goods as provided in
19 R.S. 47:301(8)(f).
- 20 (72) Sales and donations of tangible personal property by food banks as
21 provided in R.S. 47:301(10)(j) and R.S. 47:301(18)(a)(i).
- 22 (73) Sales or purchases of fire-fighting equipment by volunteer fire
23 departments as provided in R.S. 47:301(10)(o).
- 24 (74) Sales to, and leases, rentals, and use of educational materials and
25 equipment used for classroom instruction by parochial and private elementary and
26 secondary schools that comply with the court order from the Dodd Brumfield
27 decision and Section 501(c)(3) of the Internal Revenue Code as provided in R.S.
28 47:301(7)(f), (10)(q)(ii), and (18)(e)(ii).

1 (75) Sales by parochial and private elementary and secondary schools that
2 comply with the court order from the Dodd Brumfield decision and Section
3 501(c)(3) of the Internal Revenue Code as provided in R.S. 47:301(10)(q)(i) and
4 (18)(e)(i).

5 (76) Sales, as provided in R.S. 47:301(14)(b)(i), but only of admissions to
6 athletic and entertainment events held for or by an elementary or secondary
7 school and membership fees or dues of nonprofit, civic associations.

8 (77) Sales or use of materials used directly in the collection of blood as
9 provided in R.S. 47:301(16)(j).

10 (78) Sales or use of apheresis kits and leukoreduction filters as provided
11 in R.S. 47:301(16)(k).

12 (79) Sales or use of orthotic devices, prosthetic devices, hearing aids,
13 eyeglasses, contact lenses, and wheelchairs prescribed by physicians,
14 optometrists, or licensed chiropractors used exclusively by the patient for
15 personal use as provided in R.S. 47:305(D)(1)(k).

16 (80) Sales or use of ostomy, colostomy, and ileostomy devices and
17 equipment as provided in R.S. 47:305(D)(1)(l).

18 (81) Sales of medical devices as provided in R.S. 47:305(D)(1)(s).

19 (82) Sales of restorative materials as provided in R.S. 47:305(D)(1)(t).

20 (83) Sales or use of adaptive driving equipment and motor vehicle
21 modifications prescribed for personal use as provided in R.S. 47:305(D)(1)(u).

22 (84) Sales or use of meals by education institutions, medical facilities,
23 mental institutions, and occasional meals furnished by educational, religious, or
24 medical organizations as provided in R.S. 47:305(D)(2).

25 (85) Purchases or rentals of kidney dialysis machines, parts, materials,
26 and supplies for home use under a physician's prescription as provided in R.S.
27 47:305(G).

28 (86) Sales of admissions to entertainment events by Little Theater
29 organizations as provided in R.S. 47:305.6.

1 (87) Sales of admissions to musical performances sponsored by nonprofit
2 organizations as provided in R.S. 47:305.7.

3 (88) Sales of admissions to entertainment events sponsored by domestic
4 nonprofit charitable, religious, and educational organizations as provided in R.S.
5 47:305.13.

6 (89) Sales of admissions, parking fees, and sales of tangible personal
7 property at events sponsored by domestic, civic, educational, historical,
8 charitable, fraternal, or religious nonprofit organizations as provided in R.S.
9 47:305.14(A)(1).

10 (90) Sales of admissions and parking fees at fairs and festivals sponsored
11 by nonprofit organizations as provided in R.S. 47:305.18.

12 (91) Purchases of fishing vessels, supplies, fuels, lubricants, and repairs
13 for the vessels of licensed commercial fishermen as provided in R.S. 47:305.20.

14 (92) Sales of butane, propane, or other liquified petroleum gases for
15 private, residential consumption as provided in R.S. 47:305.39.

16 (93) Sales and purchases by certain organizations that provide training for
17 blind persons as provided in R.S. 47:305.15.

18 (94) Sales of polyroll tubing for use in commercial farm irrigation as
19 provided in R.S. 47:305.63.

20 (95) Rentals or leases of certain oilfield property for re-lease or re-rental
21 as provided in R.S. 47:301(7)(b).

22 (96) Sales of aircraft manufactured in Louisiana with a capacity in excess
23 of eight persons as provided in R.S. 47:301(10)(m).

24 (97) Labor, materials, services, and supplies used for the repair,
25 renovation, or conversion of drilling rig machinery and equipment which become
26 component parts of a drilling rig used exclusively for exploration or development
27 of minerals as provided in R.S. 47:301(14)(g)(iii).

- 1 (4) Water, as provided in Article VII, Section 2.2 of the Constitution of
2 Louisiana.
- 3 (5) Prescription drugs, as provided in Article VII, Section 2.2 of the
4 Constitution of Louisiana.
- 5 (6) Gasoline and other motor fuels subject to the state excise tax on fuel.
- 6 (7) Sales to the United States government and its agencies, as provided in
7 R.S. 301(10)(g).
- 8 (8) Other constructions permanently attached to the ground, as provided
9 in R.S. 47:301(16)(l).
- 10 (9) Installation charges on tangible personal property, as provided in R.S.
11 47:301(3)(a).
- 12 (10) Installation of oil field board roads, as provided in R.S.
13 47:301(13)(c).
- 14 (11) Transactions involving the construction or overhaul of United States
15 Navy vessels, as provided in R.S. 47:301(7)(c) and (14)(h).
- 16 (12) Property purchased for exclusive use outside the state, as provided in
17 R.S. 47:305.10.
- 18 (13) Sale, lease or rental of tangible personal property paid by or under
19 the provisions of Medicare, as provided in R.S. 47:315.3.
- 20 (14) Sales of human tissue transplants, as provided in R.S. 47:301(10)(d).
- 21 (15) Sales of raw agricultural products, as provided in R.S. 47:301(10)(e)
22 and 305(A)(3).
- 23 (16) Sales of food by youth serving organizations chartered by congress,
24 as provided in R.S. 47:301(10)(h).
- 25 (17) Tangible personal property sold to food banks as provided in R.S.
26 47:301(10)(j).
- 27 (18) Sales of pollution control devices or systems as provided in R.S.
28 47:301(10)(l).

- 1 (19) Materials used in the collection of blood as provided in R.S.
2 47:301(16)(j).
- 3 (20) Aphaeresis kits and leuko reduction filters as provided in R.S.
4 47:301(16)(k).
- 5 (21) Donation to schools and food banks from resale inventory as
6 provided in R.S. 47:301(18)(a).
- 7 (22) Manufacturers rebates on new motor vehicles as provided in R.S.
8 47:301(3)(e) and (13)(b).
- 9 (23) Lease or rentals of railroad rolling stock as provided in R.S.
10 47:301(4)(k).
- 11 (24) Purchases and leases by free hospitals as provided in R.S.
12 47:301(7)(e), (10)(p) and (18)(c).
- 13 (25) Purchases by nonprofit entities that sell donated goods as provided in
14 R.S. 47:301(8)(f).
- 15 (26) Tangible personal property for resale as provided in R.S.
16 47:301(10)(a)(i).
- 17 (27) Purchases of property for lease or rental as provided in La. R.S.
18 47:301(10)(a)(iii) and (18)(a)(iii).
- 19 (28) Isolated or occasional sales of tangible personal property as provided
20 in R.S. 47:301(1) and (10)(c)(ii)(bb).
- 21 (29) Use of motor vehicles in Louisiana by active duty military as
22 provided in La. R.S. 47:303(A) and 305.48.
- 23 (30) Purchases made with food stamps and WIC as provided in R.S.
24 47:305.46.
- 25 (31) Articles traded in on purchases of tangible personal property as
26 provided in R.S. 47:301(13)(a).
- 27 (32) Donations of toys as provided in R.S. 47:301(10)(aa)(i) and (18)(m).
- 28 (33) Stocks, bonds, notes or other obligations or securities as provided in
29 R.S. 47:301(16)(b)(i).

- 1 (34) Credit for sales and use taxes paid to other states on tangible
2 personal property imported in Louisiana as provided in R.S. 47:303(A)(3)(a).
- 3 (35) Work product of certain professionals as provided in R.S.
4 47:301(16)(e).
- 5 (36) Purchases by regionally accredited independent educational
6 institutions as provided in R.S. 47:301(8)(b).
- 7 (37) Sales through coin-operated vending machines as provided in R.S.
8 47:301(10)(b)(i).
- 9 (38) Purchases by a private postsecondary academic degree-granting
10 institution as provided in R.S. 47:301(10)(cc) and as provided in R.S.
11 47:301(18)(n).
- 12 (39) Purchases of food items for school lunch or breakfast programs by
13 nonpublic elementary or secondary schools as provided in R.S. 47:301(10)(dd).
- 14 (40) Repair services performed in Louisiana when the repaired property is
15 exported as provided in R.S. 47:301(14)(g)(i)(bb).
- 16 (41) Funeral directing services as provided in R.S. 47:301(14)(j).
- 17 (42) Feed and feed additives for animals held for business purposes as
18 provided in R.S. 47:305(A)(4).
- 19 (43) Farm products produced and used by farmers as provided in R.S.
20 47:305(B).
- 21 (44) Sales of fertilizers and containers to farmers as provided in R.S.
22 47:305(D)(1)(f).
- 23 (45) Sales of seeds for planting crops as provided in R.S. 47:305.3.
- 24 (46) Sales of pesticides for agricultural purposes as provided in R.S.
25 47:305.8.
- 26 (47) The cost price for the printing of a news publication as provided in
27 R.S. 47:301(3)(h).
- 28 (48) Vehicle rentals to warranty customers as provided in R.S.
29 47:301(7)(h).

- 1 (49) Lease or rental of a crane and related equipment with an operator as
2 provided in R.S. 47:301(7)(k).
- 3 (50) Sales by and to the state and its political subdivisions as provided in
4 R.S. 47:301(8)(c).
- 5 (51) Sales of materials for further processing as provided in R.S.
6 47:301(10)(c)(i).
- 7 (52) Sales of electricity for chlor-alkali manufacturing as provided in R.S.
8 47:301(10)(c)(ii)(aa).
- 9 (53) The sales price for new farm equipment used in poultry production
10 as provided in R.S. 47:301(13)(c).
- 11 (54) A factory built home as provided in R.S. 47:301(16)(g).
- 12 (55) Any advertising service rendered by an advertising business as
13 provided in R.S. 47:302(D).
- 14 (56) The sale of livestock, poultry, and other farm products direct from a
15 farm as provided in R.S. 47:305(A)(1).
- 16 (57) The sale of livestock at public sales sponsored by breeders' or
17 registry associations or livestock auction markets as provided in R.S.
18 47:305(A)(2).
- 19 (58) The sale of agricultural products by a person other than the producer,
20 for use in further processing as provided in R.S. 47:305(A)(3).
- 21 (59) Transactions in interstate commerce and tangible personal property
22 imported into this state, or produced or manufactured in this state, for export as
23 provided in R.S. 47:305(E).
- 24 (60) Ships, vessels, barges, and related supplies as provided in R.S.
25 47:305.1.
- 26 (61) The sales price for new farm equipment as provided in R.S.
27 47:305.25.
- 28 (62) Trucks and trailers if used at least eighty percent of the time in
29 interstate commerce as provided in R.S. 47:305.50(A).

1 (63) Freight cars, piggy-back cars and rolling stock, and railroad ties as
2 provided in R.S. 47:305.45 and 305.50(F).

3 (64) Councils on Aging as provided in R.S. 47:305.66.

4 (65) Sales of pharmaceuticals administered to livestock for agricultural
5 purposes as provided in R.S. 47:301(16)(f).

6 (66) Materials used in the production of crawfish and catfish as provided
7 in R.S. 47:305(A)(5) and (6).

8 (67) Sales of room rentals by a camp or retreat facility owned by a
9 nonprofit organization as provided in R.S. 47:301(6)(b).

10 (68) Sales of room rentals by homeless shelter as provided in R.S.
11 47:301(6)(c).

12 (69) Sales, leases, and rentals of tangible personal property and sales of
13 services necessary to operate free hospitals as provided in R.S. 47:301(7)(e),
14 (10)(p), and (18)(c).

15 (70) Sales, leases, or rentals of tangible personal property to Boys State of
16 Louisiana, Inc. and Girls State of Louisiana, Inc. as provided in R.S. 47:301(7)(g)
17 and (10)(r).

18 (71) Sales by non profit entities that sell donated goods as provided in
19 R.S. 47:301(8)(f).

20 (72) Sales and donations of tangible personal property by food banks as
21 provided in R.S. 47:301(10)(j) and R.S. 47:301(18)(a)(i).

22 (73) Sales or purchases of fire-fighting equipment by volunteer fire
23 departments as provided in R.S. 47:301(10)(o).

24 (74) Sales to, and leases, rentals, and use of educational materials and
25 equipment used for classroom instruction by parochial and private elementary and
26 secondary schools that comply with the court order from the Dodd Brumfield
27 decision and Section 501(c)(3) of the Internal Revenue Code as provided in R.S.
28 47:301(7)(f), (10)(q)(ii), and (18)(e)(ii).

1 (75) Sales by parochial and private elementary and secondary schools that
2 comply with the court order from the Dodd Brumfield decision and Section
3 501(c)(3) of the Internal Revenue Code as provided in R.S. 47:301(10)(q)(i) and
4 (18)(e)(i).

5 (76) Sales, as provided in R.S. 47:301(14)(b)(i), but only of admissions to
6 athletic and entertainment events held for or by an elementary or secondary
7 school and membership fees or dues of nonprofit, civic associations.

8 (77) Sales or use of materials used directly in the collection of blood as
9 provided in R.S. 47:301(16)(j).

10 (78) Sales or use of apheresis kits and leukoreduction filters as provided
11 in R.S. 47:301(16)(k).

12 (79) Sales or use of orthotic devices, prosthetic devices, hearing aids,
13 eyeglasses, contact lenses, and wheelchairs prescribed by physicians,
14 optometrists, or licensed chiropractors used exclusively by the patient for
15 personal use as provided in R.S. 47:305(D)(1)(k).

16 (80) Sales or use of ostomy, colostomy, and ileostomy devices and
17 equipment as provided in R.S. 47:305(D)(1)(l).

18 (81) Sales of medical devices as provided in R.S. 47:305(D)(1)(s).

19 (82) Sales of restorative materials as provided in R.S. 47:305(D)(1)(t).

20 (83) Sales or use of adaptive driving equipment and motor vehicle
21 modifications prescribed for personal use as provided in R.S. 47:305(D)(1)(u).

22 (84) Sales or use of meals by education institutions, medical facilities,
23 mental institutions, and occasional meals furnished by educational, religious, or
24 medical organizations as provided in R.S. 47:305(D)(2).

25 (85) Purchases or rentals of kidney dialysis machines, parts, materials,
26 and supplies for home use under a physician's prescription as provided in R.S.
27 47:305(G).

28 (86) Sales of admissions to entertainment events by Little Theater
29 organizations as provided in R.S. 47:305.6.

1 (87) Sales of admissions to musical performances sponsored by nonprofit
2 organizations as provided in R.S. 47:305.7.

3 (88) Sales of admissions to entertainment events sponsored by domestic
4 nonprofit charitable, religious, and educational organizations as provided in R.S.
5 47:305.13.

6 (89) Sales of admissions, parking fees, and sales of tangible personal
7 property at events sponsored by domestic, civic, educational, historical,
8 charitable, fraternal, or religious nonprofit organizations as provided in R.S.
9 47:305.14(A)(1).

10 (90) Sales of admissions and parking fees at fairs and festivals sponsored
11 by nonprofit organizations as provided in R.S. 47:305.18.

12 (91) Purchases of fishing vessels, supplies, fuels, lubricants, and repairs
13 for the vessels of licensed commercial fishermen as provided in R.S. 47:305.20.

14 (92) Sales of butane, propane, or other liquified petroleum gases for
15 private, residential consumption as provided in R.S. 47:305.39.

16 (93) Sales and purchases by certain organizations that provide training for
17 blind persons as provided in R.S. 47:305.15.

18 (94) Sales of polyroll tubing for use in commercial farm irrigation as
19 provided in R.S. 47:305.63.

20 (95) Rentals or leases of certain oilfield property for re-lease or re-rental
21 as provided in R.S. 47:301(7)(b).

22 (96) Sales of aircraft manufactured in Louisiana with a capacity in excess
23 of eight persons as provided in R.S. 47:301(10)(m).

24 (97) Labor, materials, services, and supplies used for the repair,
25 renovation, or conversion of drilling rig machinery and equipment which become
26 component parts of a drilling rig used exclusively for exploration or development
27 of minerals as provided in R.S. 47:301(14)(g)(iii).

- 1 (4) Water, as provided in Article VII, Section 2.2 of the Constitution of
2 Louisiana.
- 3 (5) Prescription drugs, as provided in Article VII, Section 2.2 of the
4 Constitution of Louisiana.
- 5 (6) Gasoline and other motor fuels subject to the state excise tax on fuel.
- 6 (7) Sales to the United States government and its agencies, as provided in
7 R.S. 301(10)(g).
- 8 (8) Other constructions permanently attached to the ground, as provided
9 in R.S. 47:301(16)(l).
- 10 (9) Installation charges on tangible personal property, as provided in R.S.
11 47:301(3)(a).
- 12 (10) Installation of oil field board roads, as provided in R.S.
13 47:301(13)(c).
- 14 (11) Transactions involving the construction or overhaul of United States
15 Navy vessels, as provided in R.S. 47:301(7)(c) and (14)(h).
- 16 (12) Property purchased for exclusive use outside the state, as provided in
17 R.S. 47:305.10.
- 18 (13) Sale, lease or rental of tangible personal property paid by or under
19 the provisions of Medicare, as provided in R.S. 47:315.3.
- 20 (14) Sales of human tissue transplants, as provided in R.S. 47:301(10)(d).
- 21 (15) Sales of raw agricultural products, as provided in R.S. 47:301(10)(e)
22 and 305(A)(3).
- 23 (16) Sales of food by youth serving organizations chartered by congress,
24 as provided in R.S. 47:301(10)(h).
- 25 (17) Tangible personal property sold to food banks as provided in R.S.
26 47:301(10)(j).
- 27 (18) Sales of pollution control devices or systems as provided in R.S.
28 47:301(10)(l).

- 1 (19) Materials used in the collection of blood as provided in R.S.
2 47:301(16)(j).
- 3 (20) Aphaeresis kits and leuko reduction filters as provided in R.S.
4 47:301(16)(k).
- 5 (21) Donation to schools and food banks from resale inventory as
6 provided in R.S. 47:301(18)(a).
- 7 (22) Manufacturers rebates on new motor vehicles as provided in R.S.
8 47:301(3)(e) and (13)(b).
- 9 (23) Lease or rentals of railroad rolling stock as provided in R.S.
10 47:301(4)(k).
- 11 (24) Purchases and leases by free hospitals as provided in R.S.
12 47:301(7)(e), (10)(p) and (18)(c).
- 13 (25) Purchases by nonprofit entities that sell donated goods as provided in
14 R.S. 47:301(8)(f).
- 15 (26) Tangible personal property for resale as provided in R.S.
16 47:301(10)(a)(i).
- 17 (27) Purchases of property for lease or rental as provided in La. R.S.
18 47:301(10)(a)(iii) and (18)(a)(iii).
- 19 (28) Isolated or occasional sales of tangible personal property as provided
20 in R.S. 47:301(1) and (10)(c)(ii)(bb).
- 21 (29) Use of motor vehicles in Louisiana by active duty military as
22 provided in La. R.S. 47:303(A) and 305.48.
- 23 (30) Purchases made with food stamps and WIC as provided in R.S.
24 47:305.46.
- 25 (31) Articles traded in on purchases of tangible personal property as
26 provided in R.S. 47:301(13)(a).
- 27 (32) Donations of toys as provided in R.S. 47:301(10)(aa)(i) and (18)(m).
- 28 (33) Stocks, bonds, notes or other obligations or securities as provided in
29 R.S. 47:301(16)(b)(i).

- 1 (34) Credit for sales and use taxes paid to other states on tangible
2 personal property imported in Louisiana as provided in R.S. 47:303(A)(3)(a).
- 3 (35) Work product of certain professionals as provided in R.S.
4 47:301(16)(e).
- 5 (36) Purchases by regionally accredited independent educational
6 institutions as provided in R.S. 47:301(8)(b).
- 7 (37) Sales through coin-operated vending machines as provided in R.S.
8 47:301(10)(b)(i).
- 9 (38) Purchases by a private postsecondary academic degree-granting
10 institution as provided in R.S. 47:301(10)(cc) and as provided in R.S.
11 47:301(18)(n).
- 12 (39) Purchases of food items for school lunch or breakfast programs by
13 nonpublic elementary or secondary schools as provided in R.S. 47:301(10)(dd).
- 14 (40) Repair services performed in Louisiana when the repaired property is
15 exported as provided in R.S. 47:301(14)(g)(i)(bb).
- 16 (41) Funeral directing services as provided in R.S. 47:301(14)(j).
- 17 (42) Feed and feed additives for animals held for business purposes as
18 provided in R.S. 47:305(A)(4).
- 19 (43) Farm products produced and used by farmers as provided in R.S.
20 47:305(B).
- 21 (44) Sales of fertilizers and containers to farmers as provided in R.S.
22 47:305(D)(1)(f).
- 23 (45) Sales of seeds for planting crops as provided in R.S. 47:305.3.
- 24 (46) Sales of pesticides for agricultural purposes as provided in R.S.
25 47:305.8.
- 26 (47) The cost price for the printing of a news publication as provided in
27 R.S. 47:301(3)(h).
- 28 (48) Vehicle rentals to warranty customers as provided in R.S.
29 47:301(7)(h).

1 (49) Lease or rental of a crane and related equipment with an operator as
2 provided in R.S. 47:301(7)(k).

3 (50) Sales by and to the state and its political subdivisions as provided in
4 R.S. 47:301(8)(c).

5 (51) Sales of materials for further processing as provided in R.S.
6 47:301(10)(c)(i).

7 (52) Sales of electricity for chlor-alkali manufacturing as provided in R.S.
8 47:301(10)(c)(ii)(aa).

9 (53) The sales price for new farm equipment used in poultry production
10 as provided in R.S. 47:301(13)(c).

11 (54) A factory built home as provided in R.S. 47:301(16)(g).

12 (55) Any advertising service rendered by an advertising business as
13 provided in R.S. 47:302(D).

14 (56) The sale of livestock, poultry, and other farm products direct from a
15 farm as provided in R.S. 47:305(A)(1).

16 (57) The sale of livestock at public sales sponsored by breeders' or
17 registry associations or livestock auction markets as provided in R.S.
18 47:305(A)(2).

19 (58) The sale of agricultural products by a person other than the producer,
20 for use in further processing as provided in R.S. 47:305(A)(3).

21 (59) Transactions in interstate commerce and tangible personal property
22 imported into this state, or produced or manufactured in this state, for export as
23 provided in R.S. 47:305(E).

24 (60) Ships, vessels, barges, and related supplies as provided in R.S.
25 47:305.1.

26 (61) The sales price for new farm equipment as provided in R.S.
27 47:305.25.

28 (62) Trucks and trailers if used at least eighty percent of the time in
29 interstate commerce as provided in R.S. 47:305.50(A).

- 1 (63) Freight cars, piggy-back cars and rolling stock, and railroad ties as
2 provided in R.S. 47:305.45 and 305.50(F).
- 3 (64) Councils on Aging as provided in R.S. 47:305.66.
- 4 (65) Sales of pharmaceuticals administered to livestock for agricultural
5 purposes as provided in R.S. 47:301(16)(f).
- 6 (66) Materials used in the production of crawfish and catfish as provided
7 in R.S. 47:305(A)(5) and (6).
- 8 (67) Sales of room rentals by a camp or retreat facility owned by a
9 nonprofit organization as provided in R.S. 47:301(6)(b).
- 10 (68) Sales of room rentals by homeless shelter as provided in R.S.
11 47:301(6)(c).
- 12 (69) Sales, leases, and rentals of tangible personal property and sales of
13 services necessary to operate free hospitals as provided in R.S. 47:301(7)(e),
14 (10)(p), and (18)(c).
- 15 (70) Sales, leases, or rentals of tangible personal property to Boys State of
16 Louisiana, Inc. and Girls State of Louisiana, Inc. as provided in R.S. 47:301(7)(g)
17 and (10)(r).
- 18 (71) Sales by non profit entities that sell donated goods as provided in
19 R.S. 47:301(8)(f).
- 20 (72) Sales and donations of tangible personal property by food banks as
21 provided in R.S. 47:301(10)(j) and R.S. 47:301(18)(a)(i).
- 22 (73) Sales or purchases of fire-fighting equipment by volunteer fire
23 departments as provided in R.S. 47:301(10)(o).
- 24 (74) Sales to, and leases, rentals, and use of educational materials and
25 equipment used for classroom instruction by parochial and private elementary and
26 secondary schools that comply with the court order from the Dodd Brumfield
27 decision and Section 501(c)(3) of the Internal Revenue Code as provided in R.S.
28 47:301(7)(f), (10)(q)(ii), and (18)(e)(ii).

1 (75) Sales by parochial and private elementary and secondary schools that
2 comply with the court order from the Dodd Brumfield decision and Section
3 501(c)(3) of the Internal Revenue Code as provided in R.S. 47:301(10)(q)(i) and
4 (18)(e)(i).

5 (76) Sales, as provided in R.S. 47:301(14)(b)(i), but only of admissions to
6 athletic and entertainment events held for or by an elementary or secondary
7 school and membership fees or dues of nonprofit, civic associations.

8 (77) Sales or use of materials used directly in the collection of blood as
9 provided in R.S. 47:301(16)(j).

10 (78) Sales or use of apheresis kits and leukoreduction filters as provided
11 in R.S. 47:301(16)(k).

12 (79) Sales or use of orthotic devices, prosthetic devices, hearing aids,
13 eyeglasses, contact lenses, and wheelchairs prescribed by physicians,
14 optometrists, or licensed chiropractors used exclusively by the patient for
15 personal use as provided in R.S. 47:305(D)(1)(k).

16 (80) Sales or use of ostomy, colostomy, and ileostomy devices and
17 equipment as provided in R.S. 47:305(D)(1)(l).

18 (81) Sales of medical devices as provided in R.S. 47:305(D)(1)(s).

19 (82) Sales of restorative materials as provided in R.S. 47:305(D)(1)(t).

20 (83) Sales or use of adaptive driving equipment and motor vehicle
21 modifications prescribed for personal use as provided in R.S. 47:305(D)(1)(u).

22 (84) Sales or use of meals by education institutions, medical facilities,
23 mental institutions, and occasional meals furnished by educational, religious, or
24 medical organizations as provided in R.S. 47:305(D)(2).

25 (85) Purchases or rentals of kidney dialysis machines, parts, materials,
26 and supplies for home use under a physician's prescription as provided in R.S.
27 47:305(G).

28 (86) Sales of admissions to entertainment events by Little Theater
29 organizations as provided in R.S. 47:305.6.

1 (87) Sales of admissions to musical performances sponsored by nonprofit
2 organizations as provided in R.S. 47:305.7.

3 (88) Sales of admissions to entertainment events sponsored by domestic
4 nonprofit charitable, religious, and educational organizations as provided in R.S.
5 47:305.13.

6 (89) Sales of admissions, parking fees, and sales of tangible personal
7 property at events sponsored by domestic, civic, educational, historical,
8 charitable, fraternal, or religious nonprofit organizations as provided in R.S.
9 47:305.14(A)(1).

10 (90) Sales of admissions and parking fees at fairs and festivals sponsored
11 by nonprofit organizations as provided in R.S. 47:305.18.

12 (91) Purchases of fishing vessels, supplies, fuels, lubricants, and repairs
13 for the vessels of licensed commercial fishermen as provided in R.S. 47:305.20.

14 (92) Sales of butane, propane, or other liquified petroleum gases for
15 private, residential consumption as provided in R.S. 47:305.39.

16 (93) Sales and purchases by certain organizations that provide training for
17 blind persons as provided in R.S. 47:305.15.

18 (94) Sales of polyroll tubing for use in commercial farm irrigation as
19 provided in R.S. 47:305.63.

20 (95) Rentals or leases of certain oilfield property for re-lease or re-rental
21 as provided in R.S. 47:301(7)(b).

22 (96) Sales of aircraft manufactured in Louisiana with a capacity in excess
23 of eight persons as provided in R.S. 47:301(10)(m).

24 (97) Labor, materials, services, and supplies used for the repair,
25 renovation, or conversion of drilling rig machinery and equipment which become
26 component parts of a drilling rig used exclusively for exploration or development
27 of minerals as provided in R.S. 47:301(14)(g)(iii).

1 (98) Repairs and materials used on drilling rigs and equipment used
2 exclusively for exploration or development of minerals as provided in R.S.
3 47:305(D).

4 (99) Sales by thrift shops located on military installations as provided in
5 R.S. 47:305.14(A)(4).

6 (100) Leases or rentals of vessels for use in offshore mineral production,
7 or the provision of services to those engaged in mineral production as provided in
8 R.S. 47:305.19.

9 (101) Sales of gasohol as provided in R.S. 47:305.58.

10 (102) Sales or purchases by sheltered workshops as provided in R.S.
11 47:305.38.

12 (103) Pharmaceutical samples manufactured or imported into the state
13 free of charge as provided in R.S. 47:305.47.

14 * * *

15 §331. Imposition of tax

16 * * *

17 V. Notwithstanding any other provision of law to the contrary, including
18 but not limited to any contrary provision of this Chapter, there shall be no
19 exemptions or exclusions as defined in R.S. 47:301 to the tax levied pursuant to
20 this provisions of this Section, except for the retail sale, use, consumption,
21 distribution or storage for use or consumption of the following items:

22 (1) Food for home consumption, as defined in R.S. 47:305(D)(1)(n)
23 through (r) on January 1, 2003, as provided in Article VII, Section 2.2 of the
24 Constitution of Louisiana.

25 (2) Natural gas, as provided in Article VII, Section 2.2 of the Constitution
26 of Louisiana.

27 (3) Electricity, as provided in Article VII, Section 2.2 of the Constitution
28 of Louisiana.

- 1 (4) Water, as provided in Article VII, Section 2.2 of the Constitution of
2 Louisiana.
- 3 (5) Prescription drugs, as provided in Article VII, Section 2.2 of the
4 Constitution of Louisiana.
- 5 (6) Gasoline and other motor fuels subject to the state excise tax on fuel.
- 6 (7) Sales to the United States government and its agencies, as provided in
7 R.S. 301(10)(g).
- 8 (8) Other constructions permanently attached to the ground, as provided
9 in R.S. 47:301(16)(l).
- 10 (9) Installation charges on tangible personal property, as provided in R.S.
11 47:301(3)(a).
- 12 (10) Installation of oil field board roads, as provided in R.S.
13 47:301(13)(c).
- 14 (11) Transactions involving the construction or overhaul of United States
15 Navy vessels, as provided in R.S. 47:301(7)(c) and (14)(h).
- 16 (12) Property purchased for exclusive use outside the state, as provided in
17 R.S. 47:305.10.
- 18 (13) Sale, lease or rental of tangible personal property paid by or under
19 the provisions of Medicare, as provided in R.S. 47:315.3.
- 20 (14) Sales of human tissue transplants, as provided in R.S. 47:301(10)(d).
- 21 (15) Sales of raw agricultural products, as provided in R.S. 47:301(10)(e)
22 and 305(A)(3).
- 23 (16) Sales of food by youth serving organizations chartered by congress,
24 as provided in R.S. 47:301(10)(h).
- 25 (17) Tangible personal property sold to food banks as provided in R.S.
26 47:301(10)(j).
- 27 (18) Sales of pollution control devices or systems as provided in R.S.
28 47:301(10)(l).

- 1 (19) Materials used in the collection of blood as provided in R.S.
2 47:301(16)(j).
- 3 (20) Aphaeresis kits and leuko reduction filters as provided in R.S.
4 47:301(16)(k).
- 5 (21) Donation to schools and food banks from resale inventory as
6 provided in R.S. 47:301(18)(a).
- 7 (22) Manufacturers rebates on new motor vehicles as provided in R.S.
8 47:301(3)(e) and (13)(b).
- 9 (23) Lease or rentals of railroad rolling stock as provided in R.S.
10 47:301(4)(k).
- 11 (24) Purchases and leases by free hospitals as provided in R.S.
12 47:301(7)(e), (10)(p) and (18)(c).
- 13 (25) Purchases by nonprofit entities that sell donated goods as provided in
14 R.S. 47:301(8)(f).
- 15 (26) Tangible personal property for resale as provided in R.S.
16 47:301(10)(a)(i).
- 17 (27) Purchases of property for lease or rental as provided in La. R.S.
18 47:301(10)(a)(iii) and (18)(a)(iii).
- 19 (28) Isolated or occasional sales of tangible personal property as provided
20 in R.S. 47:301(1) and (10)(c)(ii)(bb).
- 21 (29) Use of motor vehicles in Louisiana by active duty military as
22 provided in La. R.S. 47:303(A) and 305.48.
- 23 (30) Purchases made with food stamps and WIC as provided in R.S.
24 47:305.46.
- 25 (31) Articles traded in on purchases of tangible personal property as
26 provided in R.S. 47:301(13)(a).
- 27 (32) Donations of toys as provided in R.S. 47:301(10)(aa)(i) and (18)(m).
- 28 (33) Stocks, bonds, notes or other obligations or securities as provided in
29 R.S. 47:301(16)(b)(i).

- 1 (34) Credit for sales and use taxes paid to other states on tangible
2 personal property imported in Louisiana as provided in R.S. 47:303(A)(3)(a).
- 3 (35) Work product of certain professionals as provided in R.S.
4 47:301(16)(e).
- 5 (36) Purchases by regionally accredited independent educational
6 institutions as provided in R.S. 47:301(8)(b).
- 7 (37) Sales through coin-operated vending machines as provided in R.S.
8 47:301(10)(b)(i).
- 9 (38) Purchases by a private postsecondary academic degree-granting
10 institution as provided in R.S. 47:301(10)(cc) and as provided in R.S.
11 47:301(18)(n).
- 12 (39) Purchases of food items for school lunch or breakfast programs by
13 nonpublic elementary or secondary schools as provided in R.S. 47:301(10)(dd).
- 14 (40) Repair services performed in Louisiana when the repaired property is
15 exported as provided in R.S. 47:301(14)(g)(i)(bb).
- 16 (41) Funeral directing services as provided in R.S. 47:301(14)(j).
- 17 (42) Feed and feed additives for animals held for business purposes as
18 provided in R.S. 47:305(A)(4).
- 19 (43) Farm products produced and used by farmers as provided in R.S.
20 47:305(B).
- 21 (44) Sales of fertilizers and containers to farmers as provided in R.S.
22 47:305(D)(1)(f).
- 23 (45) Sales of seeds for planting crops as provided in R.S. 47:305.3.
- 24 (46) Sales of pesticides for agricultural purposes as provided in R.S.
25 47:305.8.
- 26 (47) The cost price for the printing of a news publication as provided in
27 R.S. 47:301(3)(h).
- 28 (48) Vehicle rentals to warranty customers as provided in R.S.
29 47:301(7)(h).

1 (49) Lease or rental of a crane and related equipment with an operator as
2 provided in R.S. 47:301(7)(k).

3 (50) Sales by and to the state and its political subdivisions as provided in
4 R.S. 47:301(8)(c).

5 (51) Sales of materials for further processing as provided in R.S.
6 47:301(10)(c)(i).

7 (52) Sales of electricity for chlor-alkali manufacturing as provided in R.S.
8 47:301(10)(c)(ii)(aa).

9 (53) The sales price for new farm equipment used in poultry production
10 as provided in R.S. 47:301(13)(c).

11 (54) A factory built home as provided in R.S. 47:301(16)(g).

12 (55) Any advertising service rendered by an advertising business as
13 provided in R.S. 47:302(D).

14 (56) The sale of livestock, poultry, and other farm products direct from a
15 farm as provided in R.S. 47:305(A)(1).

16 (57) The sale of livestock at public sales sponsored by breeders' or
17 registry associations or livestock auction markets as provided in R.S.
18 47:305(A)(2).

19 (58) The sale of agricultural products by a person other than the producer,
20 for use in further processing as provided in R.S. 47:305(A)(3).

21 (59) Transactions in interstate commerce and tangible personal property
22 imported into this state, or produced or manufactured in this state, for export as
23 provided in R.S. 47:305(E).

24 (60) Ships, vessels, barges, and related supplies as provided in R.S.
25 47:305.1.

26 (61) The sales price for new farm equipment as provided in R.S.
27 47:305.25.

28 (62) Trucks and trailers if used at least eighty percent of the time in
29 interstate commerce as provided in R.S. 47:305.50(A).

- 1 (63) Freight cars, piggy-back cars and rolling stock, and railroad ties as
2 provided in R.S. 47:305.45 and 305.50(F).
- 3 (64) Councils on Aging as provided in R.S. 47:305.66.
- 4 (65) Sales of pharmaceuticals administered to livestock for agricultural
5 purposes as provided in R.S. 47:301(16)(f).
- 6 (66) Materials used in the production of crawfish and catfish as provided
7 in R.S. 47:305(A)(5) and (6).
- 8 (67) Sales of room rentals by a camp or retreat facility owned by a
9 nonprofit organization as provided in R.S. 47:301(6)(b).
- 10 (68) Sales of room rentals by homeless shelter as provided in R.S.
11 47:301(6)(c).
- 12 (69) Sales, leases, and rentals of tangible personal property and sales of
13 services necessary to operate free hospitals as provided in R.S. 47:301(7)(e),
14 (10)(p), and (18)(c).
- 15 (70) Sales, leases, or rentals of tangible personal property to Boys State of
16 Louisiana, Inc. and Girls State of Louisiana, Inc. as provided in R.S. 47:301(7)(g)
17 and (10)(r).
- 18 (71) Sales by non profit entities that sell donated goods as provided in
19 R.S. 47:301(8)(f).
- 20 (72) Sales and donations of tangible personal property by food banks as
21 provided in R.S. 47:301(10)(j) and R.S. 47:301(18)(a)(i).
- 22 (73) Sales or purchases of fire-fighting equipment by volunteer fire
23 departments as provided in R.S. 47:301(10)(o).
- 24 (74) Sales to, and leases, rentals, and use of educational materials and
25 equipment used for classroom instruction by parochial and private elementary and
26 secondary schools that comply with the court order from the Dodd Brumfield
27 decision and Section 501(c)(3) of the Internal Revenue Code as provided in R.S.
28 47:301(7)(f), (10)(q)(ii), and (18)(e)(ii).

1 (75) Sales by parochial and private elementary and secondary schools that
2 comply with the court order from the Dodd Brumfield decision and Section
3 501(c)(3) of the Internal Revenue Code as provided in R.S. 47:301(10)(q)(i) and
4 (18)(e)(i).

5 (76) Sales, as provided in R.S. 47:301(14)(b)(i), but only of admissions to
6 athletic and entertainment events held for or by an elementary or secondary
7 school and membership fees or dues of nonprofit, civic associations.

8 (77) Sales or use of materials used directly in the collection of blood as
9 provided in R.S. 47:301(16)(j).

10 (78) Sales or use of apheresis kits and leukoreduction filters as provided
11 in R.S. 47:301(16)(k).

12 (79) Sales or use of orthotic devices, prosthetic devices, hearing aids,
13 eyeglasses, contact lenses, and wheelchairs prescribed by physicians,
14 optometrists, or licensed chiropractors used exclusively by the patient for
15 personal use as provided in R.S. 47:305(D)(1)(k).

16 (80) Sales or use of ostomy, colostomy, and ileostomy devices and
17 equipment as provided in R.S. 47:305(D)(1)(l).

18 (81) Sales of medical devices as provided in R.S. 47:305(D)(1)(s).

19 (82) Sales of restorative materials as provided in R.S. 47:305(D)(1)(t).

20 (83) Sales or use of adaptive driving equipment and motor vehicle
21 modifications prescribed for personal use as provided in R.S. 47:305(D)(1)(u).

22 (84) Sales or use of meals by education institutions, medical facilities,
23 mental institutions, and occasional meals furnished by educational, religious, or
24 medical organizations as provided in R.S. 47:305(D)(2).

25 (85) Purchases or rentals of kidney dialysis machines, parts, materials,
26 and supplies for home use under a physician's prescription as provided in R.S.
27 47:305(G).

28 (86) Sales of admissions to entertainment events by Little Theater
29 organizations as provided in R.S. 47:305.6.

1 (87) Sales of admissions to musical performances sponsored by nonprofit
2 organizations as provided in R.S. 47:305.7.

3 (88) Sales of admissions to entertainment events sponsored by domestic
4 nonprofit charitable, religious, and educational organizations as provided in R.S.
5 47:305.13.

6 (89) Sales of admissions, parking fees, and sales of tangible personal
7 property at events sponsored by domestic, civic, educational, historical,
8 charitable, fraternal, or religious nonprofit organizations as provided in R.S.
9 47:305.14(A)(1).

10 (90) Sales of admissions and parking fees at fairs and festivals sponsored
11 by nonprofit organizations as provided in R.S. 47:305.18.

12 (91) Purchases of fishing vessels, supplies, fuels, lubricants, and repairs
13 for the vessels of licensed commercial fishermen as provided in R.S. 47:305.20.

14 (92) Sales of butane, propane, or other liquified petroleum gases for
15 private, residential consumption as provided in R.S. 47:305.39.

16 (93) Sales and purchases by certain organizations that provide training for
17 blind persons as provided in R.S. 47:305.15.

18 (94) Sales of polyroll tubing for use in commercial farm irrigation as
19 provided in R.S. 47:305.63.

20 (95) Rentals or leases of certain oilfield property for re-lease or re-rental
21 as provided in R.S. 47:301(7)(b).

22 (96) Sales of aircraft manufactured in Louisiana with a capacity in excess
23 of eight persons as provided in R.S. 47:301(10)(m).

24 (97) Labor, materials, services, and supplies used for the repair,
25 renovation, or conversion of drilling rig machinery and equipment which become
26 component parts of a drilling rig used exclusively for exploration or development
27 of minerals as provided in R.S. 47:301(14)(g)(iii).

1 For the purposes of any sales and use tax levied by a political subdivision, the
 2 term "sale at retail" shall include the sale of a pollution control device or system.
 3 In order to qualify, the pollution control device or system must demonstrate
 4 ~~either: a net decrease in the volume or toxicity or potential hazards of pollution as~~
 5 a result of the installation of the device or system; or that installation is necessary
 6 to comply with federal or state environmental laws or regulations; or that the
 7 device or system provides reductions in volume or toxicity of pollution in excess
 8 of that required by federal or state environmental laws or regulations. However,
 9 property that provides only limited or incidental reductions in the volume or
 10 toxicity of pollution shall not qualify when such property is acquired primarily for
 11 the production of goods and services and is integral to a profit-motivated business
 12 purpose or activity.

* * *

14 Section 4. The provisions of Section 3 are intended to clarify and be interpretive
 15 of the original intent and application of R.S. 47:301(10)(l), and shall therefor be
 16 applicable retroactively.

17 Section 5. The provisions of Section 1 of this Act shall become effective on
 18 November 1, 2017.

19 Section 6. The provisions of Section 2 of this Act shall become effective on
 20 September 1, 2017.

21 Section 7. The provisions of Sections 3 through 7 of this Act shall become
 22 effective upon signature by the governor or, if not signed by the governor, upon
 23 expiration of the time for bills to become law without signature by the governor, as
 24 provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the
 25 governor and subsequently approved by the legislature, this Act shall become effective
 26 on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 562 Original

2017 Regular Session

Jackson

Abstract: Adds certain sales of services to the sales and use tax base and provides for the exemptions and exclusions applicable to all state sales and use tax levies.

Present law imposes state sales and use taxes on the sale, use, lease, or rental of tangible personal property pursuant to the following levies:

R.S. 47:302 - 2% tax

R.S. 47:321 - 1% tax

R.S. 47:321.1 - 1% tax

R.S. 47:331 - 0.97% tax

R.S. 51:1286 - .03% tax (LA Tourism and Promotion District)

Present law provides for exemptions and exclusions to state sales and use taxes. Further, present law provides for the applicability and effectiveness of certain exclusions and exemptions from the taxes imposed under R.S. 47:302 and 321.1 for the time between July 1, 2016, and June 30, 2018.

Proposed law changes present law by expanding the exemption and exclusion provisions that shall be applicable to state sales and use taxes, and making the same exclusions and exemptions applicable and effective for all state sales and use tax levies beginning September 1, 2017, as follows:

- (1) Food for home consumption, including soft drinks, bakery items, fresh product, and dairy products.
- (2) Natural gas used for residential purposes.
- (3) Electricity, used for residential purposes.
- (4) Water used for residential purposes.
- (5) Prescription drugs.
- (6) Motor fuels subject to the state excise tax on motor fuels.
- (7) Sales to the United States government.
- (8) Other constructions permanently attached to the ground.
- (9) Installation charges on tangible personal property.
- (10) Installation of oil field board roads.
- (11) Transactions involving the construction or overhaul of U.S. Navy and Coast Guard vessels.
- (12) Property purchased for exclusive use outside the state.

- (13) Purchases and leases of durable medical equipment under the provisions of Medicare.
- (14) Sales of human tissue transplants.
- (15) Sales of raw agricultural products.
- (16) Sales of food by youth serving organizations chartered by congress.
- (17) Tangible personal property sold to food banks.
- (18) Sales of pollution control devices.
- (19) Materials used in the collection of blood.
- (20) Aphaeresis kits and leuko reduction filters.
- (21) Donation to schools and food banks from resale inventory.
- (22) Manufacturers rebates on new motor vehicles.
- (23) Lease or rentals of railroad rolling stock.
- (24) Purchases and leases by free hospitals.
- (25) Purchases by nonprofit entities that sell donated goods.
- (26) Sales of tangible personal property for resale.
- (27) Purchases of property for lease or rental.
- (28) Isolated or occasional sales of tangible personal property.
- (29) Use of motor vehicles in Louisiana by active duty military.
- (30) Purchases made with food stamps and WIC.
- (31) Articles traded in on purchases of tangible personal property.
- (32) Donations of toys.
- (33) Stocks, bonds, notes or other obligations or securities.
- (34) Credit for sales and use taxes paid to other states on tangible personal property imported in La.
- (35) Work product of certain professionals.
- (36) Purchases by regionally accredited independent educational institutions.
- (37) Sales through coin-operated vending machines.
- (38) Purchases by a private postsecondary academic degree-granting institution.
- (39) Purchases of food items for school lunch or breakfast programs by nonpublic elementary or secondary schools.
- (40) Repair services performed in La. when the repaired property is exported.

- (41) Funeral directing services.
- (42) Sales of feed and feed additives for animals held for business purposes.
- (43) Sales of farm products produced and used by farmers.
- (44) Sales of fertilizers and containers to farmers.
- (45) Sales of seeds for planting crops.
- (46) Sales of pesticides for agricultural purposes.
- (47) The cost price for the printing of a news publication.
- (48) Vehicle rentals for re-rental to warranty customers.
- (49) The definition of "lease or rental" for purposes of the lease or rental of a crane and related equipment with an operator.
- (50) Sales by and to the state and its political subdivisions.
- (51) Sales of materials for further processing.
- (52) Sales of electricity for chlor-alkali manufacturing.
- (53) The sales price for new farm equipment used in poultry production.
- (54) The price of a factory built home.
- (55) Any advertising service rendered by an advertising business.
- (56) Sale of livestock, poultry, and other farm products direct from the farm.
- (57) The gross proceeds derived from the sale of livestock at public sales sponsored by breeders' or registry associations or livestock auction markets.
- (58) Sale of agricultural products by a person other than the producer, for use in further processing.
- (59) Transactions in interstate commerce and tangible personal property imported into this state, or produced or manufactured in La. for export.
- (60) Sales of ships, vessels, barges, and related supplies.
- (61) The first \$50,000 in value of certain new farm equipment.
- (62) Sales of trucks and trailers if used at least 80% of the time in interstate commerce.
- (63) Sale of freight cars, piggy-back cars, rail rolling stock, and railroad ties.
- (64) Purchases by a council on aging.
- (65) Sale of pharmaceuticals administered to livestock.
- (66) Sale of materials and supplies used in the production of crawfish and catfish.
- (67) Sales of room rentals by a camp or retreat facility owned by a nonprofit organization.

- (68) Sales of room rentals by a homeless shelter.
- (69) Sales, leases, and rentals of tangible personal property and sales of services by hospitals necessary to operate free hospitals.
- (70) Sales, leases, or rentals to Boys State of La., Inc. and Girls State of La., Inc.
- (71) Sales by nonprofit entities that sell donated goods.
- (72) Sales and donations of tangible personal property by food banks.
- (73) Sales or purchases of fire-fighting equipment by volunteer fire departments.
- (74) Sales to, and leases, rentals, and use of educational materials and equipment used for classroom instruction by parochial and private elementary and secondary schools that comply with the court order from the Dodd Brumfield decision and Section 501(c)(3) of the Internal Revenue Code.
- (75) Sales by parochial and private elementary and secondary schools that comply with the court order from the Dodd Brumfield decision and Section 501(c)(3) of the Internal Revenue Code.
- (76) Sales of admission charges to athletic and entertainment events for elementary and secondary schools and membership fees or dues of nonprofit, civic associations.
- (77) Sales or use of materials used directly in the collection of blood.
- (78) Sales or use of apheresis kits and Leuko reduction filters.
- (79) Sales or use of orthotic devices, prosthetic devices, hearing aids, eyeglasses, contact lenses, and wheelchairs prescribed by physicians, optometrists, or licensed chiropractors for personal use.
- (80) Sales or use of ostomy, colostomy, and ileostomy devices and equipment.
- (81) Sales of medical devices.
- (82) Sales of restorative materials used by dentists.
- (83) Sales or use of adaptive driving equipment and motor vehicle modifications prescribed for personal use.
- (84) Sales or use of meals by educational institutions, medical facilities, mental institutions, and occasional meals furnished by educational, religious, or medical organizations.
- (85) Purchases or rentals of kidney dialysis machines, parts, materials, and supplies for home use under a physician's prescription.
- (86) Sales of admissions to entertainment events by Little Theater organizations.
- (87) Sales of admissions to musical performances sponsored by nonprofit organizations.
- (88) Sales of admissions to entertainment events sponsored by domestic nonprofit charitable, religious, and educational organizations.

- (89) Sales of admissions, parking fees, and sales of tangible personal property at events sponsored by domestic, civic, educational, historical, charitable, fraternal, or religious nonprofit organizations.
- (90) Sales of admissions and parking fees at fairs and festivals sponsored by nonprofit organizations.
- (91) Purchases of fishing vessels, supplies, fuels, lubricants, and repairs for the vessels of licensed commercial fishermen.
- (92) Sales of butane, propane, or other liquified petroleum gases for private, residential consumption.
- (93) Sales and purchases by certain organizations that provide training for blind persons.
- (94) Sales of polyroll tubing for use in commercial farm irrigation.
- (95) Rentals or leases of certain oilfield property for re-lease or re-rental.
- (96) Sales of aircraft manufactured in Louisiana with a capacity in excess of eight persons as provided in R.S. 47:301(10)(m).
- (97) Labor, materials, services, and supplies used for the repair, renovation, or conversion of drilling rig machinery and equipment which become component parts of a drilling rig used exclusively for exploration or development of minerals as provided in R.S. 47:301(14)(g)(iii).
- (98) Repairs and materials used on drilling rigs and equipment used exclusively for exploration or development of minerals.
- (99) Sales by thrift shops located on military installations.
- (100) Leases or rentals of vessels for use in offshore mineral production, or the provision of services to those engaged in mineral production.
- (101) Sales of gasohol.
- (102) Sales or purchases by sheltered workshops.
- (103) Pharmaceutical samples manufactured or imported into the state free of charge.

Proposed law changes present law by adding sales of the following services to the sales and use tax base.

- (1) Personal services including massage parlors, escort services, and turkish baths or steam baths.
- (2) Credit reporting services.
- (3) Debt collection services.
- (4) Insurance services
- (5) Immovable property services.
- (6) Data processing and data storage services.

- (7) Immovable property repair and remodeling services.
- (8) Security services.
- (9) Telephone answering services.
- (10) Audio and video services, including cable and satellite.
- (11) Streaming or downloading services for digital goods.
- (12) Information services.

Proposed law changes present law by adding to the definitions used to administer the tax, the following types of tangible personal property, whether electronically or digitally delivered, streamed, or accessed and whether purchased singly, by subscription or in any other manner, including maintenance, updates, and support:

- (1) Video.
- (2) Photographs.
- (3) Books.
- (4) Any other otherwise printed matter.
- (5) Applications, which may be commonly known as "apps".
- (6) Games.
- (7) Music.
- (8) Any other audio, including satellite radio service.
- (9) Any other otherwise taxable tangible personal property electronically or digitally delivered, streamed, or accessed.

Provisions of proposed law adding services to the sales tax base are effective November 1, 2017.

Provisions of proposed law expanding certain exemptions and exclusions to all sales tax are effect September 1, 2017.

Otherwise, proposed law effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:301(10)(c)(ii)(bb) and (l); Adds R.S. 47:301(14)(l)-(w), (16)(r), 302(BB), 321(P), 321.1(I), and 331(V))