

2021 Regular Session

SENATE BILL NO. 200

BY SENATORS MCMATH AND CORTEZ

TAX EXEMPTIONS. Exempts admissions to certain live entertainment events from state sales and use tax. (gov sig)

1 AN ACT

2 To enact R.S. 47:302(BB)(114), 305.5, 306.5(B)(14), 321(P)(115), 321.1(I)(115), and
3 331(V)(115), relative to state sales and use tax exemptions; to provide for a
4 temporary exemption from state sales and use tax for the sale of admission tickets
5 to live entertainment events at certain facilities; to authorize the secretary of the
6 Department of Revenue to promulgate rules; to provide for reporting requirements;
7 to provide for effectiveness; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 47:302(BB)(114), 305.5, 306.5(B)(14), 321(P)(115), 321.1(I)(115),
10 and 331(V)(115) are hereby enacted to read as follows:

11 §302. Imposition of tax

12 * * *

13 BB. Notwithstanding any other provision of law to the contrary, including but
14 not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
15 through June 30, 2025, there shall be no exemptions and no exclusions to the tax
16 levied pursuant to the provisions of this Section, except for the retail sale, use,
17 consumption, distribution, or storage for use or consumption of the following:

* * *

(114) Sales of admission tickets to live entertainment events as provided in R.S. 47:305.5.

* * *

§305.5. Exclusions and Exemptions; admission tickets to live entertainment events

A. Beginning July 1, 2021, through June 30, 2023, the sales and use tax imposed by the state of Louisiana shall not apply to the sale of an admission ticket to a live entertainment event.

B. For purposes of this Section:

(1) "Concert" means a musical performance of which the primary component is a presentation by persons singing or playing musical instruments. A "concert" shall not include any performance in which music is a part of the presentation and the primary component is acting, dancing, a motion picture, a variety show, an athletic event, an exhibition, or a speech.

(2) "Facility" shall mean any structure that has a roof or partial roof and that has walls that wholly surround the area on all sides including but not limited to a stadium, arena, ballroom, exhibition hall, convention center, theater, or music hall.

(3) "Live entertainment event" shall mean a concert performed in this state in front of a live audience in a facility with a minimum fixed seating capacity of two thousand four hundred people.

(4) "Restricted entertainment area" means any wholly or partially enclosed area, whether indoors or outdoors, that has limited access through established entrances, turnstiles, or similar devices.

C. This Section shall not apply to a live entertainment event held in a restricted entertainment area if one admission ticket entitles the holder to view or participate in more than one live entertainment event occurring simultaneously at different sites withing the restricted entertainment area.

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**(115) Sales of admission tickets to live entertainment events as provided
in R.S. 47:305.5.**

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§331. Imposition of tax

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V. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

* * *

**(115) Sales of admission tickets to live entertainment events as provided
in R.S. 47:305.5.**

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Lann.

DIGEST

SB 200 Original 2021 Regular Session McMath

Proposed law provides for a state sales tax exemption beginning July 1, 2021, through June 30, 2023, for admission tickets to live entertainment events at certain facilities.

Present law provides for the exclusive list of sales and use tax exemptions that are effective through June 30, 2025, for each of the four major state sales tax levies.

Proposed law adds the sales tax exemption for the sale of admission tickets to live entertainment events to the list of effective sales tax exemptions.

Proposed law defines the following terms:

- (1) "Concert" means a musical performance of which the primary component is a presentation by persons singing or playing musical instruments. A "concert" does not include any performance in which music is a part of the presentation and the primary component of which is acting, dancing, a motion picture, a variety show, an athletic event, an exhibition, or a speech.
- (2) "Facility" means any structure that has a roof or partial roof and that has walls that wholly surround the area on all sides including but not limited to a stadium, arena, ballroom, exhibition hall, convention center, theater, or music hall.
- (3) "Live entertainment event" means a concert performed in this state in front of a live audience in a facility with a minimum fixed seating capacity of 2,400 people.
- (4) "Restricted entertainment area" means any wholly or partially enclosed area, whether indoors or outdoors, that has limited access through established entrances, turnstiles, or similar devices.

Proposed law authorizes the secretary of the Dept. of Revenue to promulgate rules and regulations necessary to implement the provisions of proposed law.

Proposed law prohibits the tax exemption for the sale of admission tickets to a live entertainment event held in a restricted entertainment area if one admission ticket entitles the holder to view or participate in more than one live entertainment event occurring simultaneously at different sites within the restricted entertainment area.

Present law (R.S. 47:306.5) provides a list of sales tax exemptions that are subject to an annual reporting requirement based on transactions occurring during the previous fiscal year.

Proposed law adds the sales of admission tickets to live entertainment events to the list of sales tax exemptions subject to the annual reporting requirement.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 47:302(BB)(114), 305.5, 306.5(B)(14), 321(P)(115), 321.1(I)(115), and 331(V)(115))