

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 October 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 within the restricted entertainment area.

1 **D. This Section shall not apply to publicly owned facilities to which R.S.**

2 **39:467 applies.**

3 **E. The secretary of the Department of Revenue may promulgate rules**

4 **and regulations necessary to implement the provisions of this Section.**

5 * * *

6 §306.5. Annual reporting requirement

7 * * *

8 B. The transactions listed in this Subsection shall be subject to the annual
9 reporting requirement.

10 * * *

11 **(14) Sales of admission tickets to live entertainment events as provided**

12 **in R.S. 47:305.5.**

13 * * *

14 §321. Imposition of tax

15 * * *

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

21 * * *

22 **(115) Sales of admission tickets to live entertainment events as provided**

23 **in R.S. 47:305.5.**

24 * * *

25 §321.1. Imposition of tax

26 * * *

27 I. Notwithstanding any other provision of law to the contrary, including but
28 not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
29 through June 30, 2025, there shall be no exemptions and no exclusions to the tax

1 levied pursuant to the provisions of this Section, except for the retail sale, use,
2 consumption, distribution, or storage for use or consumption of the following:

3 * * *

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

6 * * *

7 §331. Imposition of tax

8 * * *

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

14 * * *

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

17 * * *

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 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 Engrossed 2021 Regular Session McMath

Proposed law provides for a state sales tax exemption beginning October 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 on 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. 39:467) provides for a partial sales tax exemption at publicly owned domed facilities and provides for the disposition of the tax proceeds.

Proposed law prohibits the tax exemption on the sale of admission tickets to a live entertainment event held at publicly owned domed facilities and otherwise retains present law.

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))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

1. Changes the implementation date of the tax exemption from July 1, 2021 to October 1, 2021.
2. Prohibits the tax exemption on the sale of admission tickets to a live entertainment event held at publicly owned domed facilities.