

2018 First Extraordinary Session

HOUSE BILL NO. 17

BY REPRESENTATIVES DWIGHT AND JIMMY HARRIS

TAX/SALES-USE, STATE: Provide for the applicability of certain exclusions and exemptions to state sales and use taxes (Item #7)

1 AN ACT

2 To amend and reenact R.S. 47:302(R)(2) and (3), (S), (T), (X)(introductory paragraph),  
3 (AA)(introductory paragraph), (AA)(29) through (31), and (AA)(32)(introductory  
4 paragraph), 321(H)(2) through (6), and (I) through (K), and 331(P), (Q), and (R), to  
5 enact R.S. 47:302(BB), 321(P), and 331(V), and to repeal R.S. 47:302(Y), 321(M),  
6 and 331(T) and Act No. 395 of the 2017 Regular Session of the Louisiana  
7 Legislature, relative to state sales and use tax; to provide for the applicability of  
8 certain exclusions and exemptions applicable to the tax; to provide for effectiveness;  
9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 47:302(R)(2) and (3), (S), (T), (X)(introductory paragraph), (AA)  
12 (introductory paragraph), (AA)(29) through (31), and (AA)(32)(introductory paragraph),  
13 321(H)(2) through (6), and (I) through (K), and 331(P), (Q), and (R) are hereby amended and  
14 reenacted and R.S. 47:302(BB), 321(P), and 331(V) are hereby enacted to read as follows:

15 §302. Imposition of tax

16 \* \* \*

17 R.

18 \* \* \*

19 (2) Notwithstanding any other provision of law to the contrary, including but  
20 not limited to any contrary provisions of this Chapter, the exemption provided for

1 in R.S. 47:305(A)(2) and 305.25(A)(3) shall be applicable, operable, and effective  
2 from July 1, 2007, through June 30, 2018.

3 (3) Notwithstanding any other provision of law to the contrary which makes  
4 any sales and use tax exemption inapplicable, inoperable, and of no effect, the  
5 exemption provided in R.S. 47:305(D)(2) shall be applicable, operable, and effective  
6 from January 1, 1998, through June 30, 2018.

7 S. Notwithstanding any other provision of law to the contrary and  
8 specifically notwithstanding any provision enacted during the 2004 First  
9 Extraordinary Session which makes any sales and use tax exemption inapplicable,  
10 inoperable, and of no effect, the exemption provided in R.S. 47:305.51 shall be  
11 applicable, operable, and effective for all taxable periods beginning on or after July  
12 1, 2007, through June 30, 2018.

13 T. Notwithstanding any other provision of law to the contrary and  
14 specifically notwithstanding any provision enacted to make any sales and use tax  
15 exemption inapplicable, inoperable, and of no effect, the exemption provided in R.S.  
16 47:305(A)(5)(b) shall be applicable, operable, and effective from July 1, 2009,  
17 through June 30, 2018.

18 \* \* \*

19 X. Notwithstanding any other provision of law to the contrary, including but  
20 not limited to any contrary provisions of this Chapter, for the period April 1, 2016,  
21 through ~~July 1, 2018~~ June 30, 2018, there shall be no ~~exclusions and exemptions, and~~  
22 no exclusions as defined in R.S. 47:301, to the tax levied pursuant to the provisions  
23 of this Section except for exemptions and exclusions for sales or purchases of the  
24 following items and for those items enumerated in Subsection AA of this Section:

25 \* \* \*

26 AA. Notwithstanding any other provision of this Section to the contrary,  
27 except as provided in Paragraphs (29) through (32) of this Subsection, beginning  
28 July 1, 2016, through June 30, 2018, the following specific exclusions and

1 exemptions shall be applicable to the tax levied pursuant to the provisions of this  
2 Section:

3 \* \* \*

4 (29) Beginning July 1, 2017, through June 30, 2018, the exclusion for  
5 surface preparation, painting, and coating fixed or rotary wing aircraft and certified  
6 transport category aircraft registered outside of this state, as provided in R.S.  
7 47:301(14)(g)(iv).

8 (30) Beginning July 1, 2017, through June 30, 2018, purchases and leases  
9 by qualifying radiation therapy treatment centers, as provided in R.S. 47:305.64.

10 (31) Beginning July 1, 2017, through June 30, 2018, sales and purchases of  
11 medical devices used by patients under the supervision of a physician, as provided  
12 in R.S. 47:305(D)(1)(s).

13 (32) Beginning October 1, 2017, through June 30, 2018:

14 \* \* \*

15 BB. Notwithstanding any other provision of law to the contrary, including  
16 but not limited to any contrary provisions of this Chapter, beginning July 1, 2018,  
17 there shall be no exemptions, and no exclusions as defined in R.S. 47:301, to the tax  
18 levied pursuant to the provisions of this Section, except for the retail sale, use,  
19 consumption, distribution, or storage for use or consumption of the following items:

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

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

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

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

- 1           (5) Prescription drugs as provided in Article VII, Section 2.2 of the  
2           Constitution of Louisiana.
- 3           (6) Gasoline and other motor fuels subject to the state excise tax on fuel as  
4           provided in Article VII, Section 27 of the Constitution of Louisiana.
- 5           (7) Sales to the United States government and its agencies as provided in  
6           R.S. 47:301(10)(g).
- 7           (8) Other constructions permanently attached to the ground as provided in  
8           R.S. 47:301(16)(l).
- 9           (9) Installation charges on tangible personal property as provided in R.S.  
10          47:301(3)(a).
- 11          (10) Installation of oil field board roads as provided in R.S. 47:301(3)(c).
- 12          (11) Transactions involving the construction or overhaul of United States  
13          Navy vessels as provided in R.S. 47:301(7)(c) and (14)(h).
- 14          (12) Property purchased for exclusive use outside the state as provided in  
15          R.S. 47:305.10.
- 16          (13) Sales, leases, or rentals of tangible personal property paid by or under  
17          the provisions of Medicare as provided in R.S. 47:315.3.
- 18          (14) Sales of human tissue transplants as provided in R.S. 47:301(10)(d).
- 19          (15) Sales of raw agricultural commodities as provided in R.S.  
20          47:301(10)(e).
- 21          (16) Sales of food by a youth serving organization chartered by the Congress  
22          of the United States as provided in R.S. 47:301(10)(h).
- 23          (17) Tangible personal property sold or donated to a food bank as provided  
24          in R.S. 47:301(10)(j) and (18)(a)(i).
- 25          (18) Materials used in the collection of blood as provided in R.S.  
26          47:301(16)(j).
- 27          (19) Aphaeresis kits and leuko reduction filters as provided in R.S.  
28          47:301(16)(k).

- 1           (20) Donations to schools and food banks from resale inventory as provided  
2           in R.S. 47:301(18)(a).
- 3           (21) Manufacturers rebates on a new motor vehicle as provided in R.S.  
4           47:301(3)(e) and (13)(b).
- 5           (22) Leases or rentals of railroad rolling stock as provided in R.S.  
6           47:301(4)(k).
- 7           (23) Sales, purchases and leases of tangible personal property by free  
8           hospitals as provided in R.S. 47:301(7)(e), (10)(p), and (18)(c).
- 9           (24) Purchases by a nonprofit entity that sells donated goods as provided in  
10           R.S. 47:301(8)(f).
- 11           (25) Tangible personal property for resale as provided in R.S.  
12           47:301(10)(a)(i).
- 13           (26) Purchases of property for lease or rental as provided in R.S.  
14           47:301(10)(a)(iii) and (18)(a)(iii).
- 15           (27) Isolated or occasional sales of tangible personal property by a person  
16           not engaged in such business as provided in R.S. 47:301(1) and (10)(c)(ii)(bb).
- 17           (28) Use of a motor vehicle in Louisiana by a member of the active duty  
18           military as provided in R.S. 47:303(A)(3)(a) and 305.48.
- 19           (29) Purchases made with food stamps and WIC as provided in R.S.  
20           47:305.46.
- 21           (30) An article traded in on the purchase of tangible personal property as  
22           provided in R.S. 47:301(13)(a).
- 23           (31) Donation of toys as provided in R.S. 47:301(10)(aa)(i) and (18)(m).
- 24           (32) Stocks, bonds, notes, and other obligations or securities as provided in  
25           R.S. 47:301(16)(b)(i).
- 26           (33) Credit for sales and use taxes paid to another state on tangible personal  
27           property imported in Louisiana as provided in R.S. 47:303(A)(3)(a).
- 28           (34) Work product of certain professionals as provided in R.S.  
29           47:301(16)(e).

- 1           (35) Purchases by a regionally accredited independent educational institution  
2           as provided in R.S. 47:301(8)(b).
- 3           (36) Sales through a coin-operated vending machine as provided in  
4           R.S.47:301(10)(b)(i).
- 5           (37) Purchases by a private postsecondary academic degree-granting  
6           institution as provided in R.S. 47:301(10)(cc) and(18)(n).
- 7           (38) Purchases of food items for school lunch and breakfast programs by a  
8           nonpublic elementary or secondary school as provided in R.S. 47:301(10)(dd).
- 9           (39) Funeral directing services as provided in R.S. 47:301(14)(j).
- 10          (40) Feed and feed additives for animals held for business purposes as  
11          provided in R.S. 47:305(A)(4).
- 12          (41) Farm products produced and used by farmers as provided in R.S.  
13          47:305(B).
- 14          (42) Sale of fertilizer and containers to farmers as provided in R.S.  
15          47:305(D)(1)(f).
- 16          (43) Sales of seeds for planting crops as provided in R.S. 47:305.3.
- 17          (44) Sales of pesticides for agricultural purposes as provided in R.S.  
18          47:305.8.
- 19          (45) The cost price for the printing of a news publication as provided in R.S.  
20          47:301(3)(h).
- 21          (46) Vehicle rentals to a warranty customer as provided in R.S. 47:301(7)(h).
- 22          (47) Leases or rentals of a crane and related equipment with an operator as  
23          provided in R.S. 47:301(7)(k).
- 24          (48) Sales by and to the state and its political subdivisions as provided in  
25          R.S. 47:301(8)(c).
- 26          (49) Sales of materials for further processing as provided in R.S.  
27          47:301(10)(c)(i)(aa).
- 28          (50) The sales price for new farm equipment used in poultry production as  
29          provided in R.S. 47:301(13)(c).

- 1           (51) A factory built home as provided in R.S. 47:301(16)(g).
- 2           (52) Any advertising service rendered by an advertising business as provided  
3           in R.S. 47:302(D).
- 4           (53) Sales of livestock, poultry, and other farm products direct from a farm  
5           as provided in R.S. 47:305(A)(1).
- 6           (54) Sales of livestock at a public sale sponsored by a breeders' or registry  
7           association or at a livestock auction market as provided in R.S. 47:305(A)(2).
- 8           (55) Sales of agricultural commodities by a person other than the producer,  
9           for use in further processing as provided in R.S. 47:305(A)(3).
- 10          (56) Transactions in interstate commerce and tangible personal property  
11          imported into this state, or produced or manufactured in this state, for export as  
12          provided in R.S. 47:305(E).
- 13          (57) Ships, vessels, barges, and related supplies as provided in R.S. 47:305.1.
- 14          (58) The sales price of new farm equipment, including polyroll tubing, as  
15          provided in R.S. 47:305.25.
- 16          (59) A truck and trailer if used at least eighty percent of the time in interstate  
17          commerce as provided in R.S. 47:305.50(A).
- 18          (60) Freight cars, piggyback trailers, and rail rolling stock, and railroad ties  
19          as provided in 47:305.45 and 305.50(F).
- 20          (61) Councils on Aging as provided in R.S. 47:305.66.
- 21          (62) Sales of pharmaceuticals administered to livestock for agricultural  
22          purposes as provided in R.S. 47:301(16)(f).
- 23          (63) Materials used in the production of crawfish and catfish as provided in  
24          R.S. 47:305(A)(5) and (6).
- 25          (64) Sales of room rentals by a camp or retreat facility owned by a nonprofit  
26          organization as provided in R.S. 47:301(6)(b).
- 27          (65) Sales of room rentals by a homeless shelter as provided in R.S.  
28          47:301(6)(c).

1           (66) Sales, leases, and rentals of tangible personal property to Boys State of  
2           Louisiana, Inc. and Girls State of Louisiana, Inc. as provided in R.S. 47:301(7)(g)  
3           and (10)(r).

4           (67) Sales or purchases of fire-fighting equipment by a volunteer fire  
5           department as provided in R.S. 47:301(10)(o).

6           (68) Sales to, and leases, rentals, and use of educational materials and  
7           equipment used for classroom instruction by a parochial and private elementary and  
8           secondary school that complies with the court order from the Dodd Brumfield  
9           decision and Section 501(c)(3) of the Internal Revenue code as provided in R.S.  
10          47:301(7)(f), (10)(q)(ii) and (18)(e)(ii).

11          (69) Sales by a parochial and private elementary and secondary school that  
12          complies with the court order from the Dodd Brumfield decision and Section  
13          501(c)(3) of the Internal Revenue code as provided in R.S. 47:301(10)(q)(i) and  
14          (18)(e)(i).

15          (70) Sales, as provided in R.S. 47:301(14)(b)(i), but only of admissions to  
16          an athletic and entertainment event held for or by an elementary or secondary school  
17          and membership fees or dues of a nonprofit, civic association.

18          (71) Sales or use of orthotic devices, prosthetic devices, hearing aids,  
19          eyeglasses, contact lenses, and wheelchairs prescribed by a physician, optometrist,  
20          or licensed chiropractor used exclusively by the patient for personal use as provided  
21          in R.S. 47:305(D)(1)(k).

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

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

25          (74) Sales of orthotic and prosthetic devices and restorative materials utilized  
26          and prescribed by dentists as provided in R.S. 47:305(D)(1)(t).

27          (75) Sales or use of adaptive driving equipment and motor vehicle  
28          modification prescribed for personal use as provided in R.S. 47:305(D)(1)(u).



1           (76) Sales or use of a meal by an educational institution, medical facility,  
2           mental institution, and an occasional meal furnished by an educational, religious, or  
3           medical organization as provided in R.S. 47:305(D)(2).

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

6           (78) Sales of admission to entertainment events by a Little Theater  
7           organization as provided in R.S. 47:305.6.

8           (79) Sales of admission to musical performances sponsored by a nonprofit  
9           organization as provided in R.S. 47:305.7.

10           (80) Sales of admissions to entertainment events sponsored by domestic  
11           nonprofit charitable, religious, and educational organizations as provided in R.S.  
12           47:305.13.

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

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

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

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

22           (85) Sales and purchases by certain organizations that provide training for  
23           blind persons as provided in R.S. 47:305.15.

24           (86) Purchases and leases by qualified radiation therapy treatment centers as  
25           provided in R.S. 47:305.64.

26           (87) Sales of electricity for chlor-alkali manufacturing as provided in R.S.  
27           47:301(10)(c)(ii)(aa).

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

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

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

9           (91) Repairs and materials used on drilling rigs and equipment used  
10          exclusively for exploration of development of minerals as provided in R.S. 47:305(I).

11          (92) Sales by thrift shops located on military installations as provided in R.S.  
12          47:305.14(A)(4).

13          (93) Leases or rentals of vessels for use in offshore mineral production or the  
14          provision of services to those engaged in mineral production as provided in R.S.  
15          47:305.19.

16          (94) Sales of gasohol as provided in R.S. 47:305.28.

17          (95) Sales or purchases by sheltered workshops as provided in R.S.  
18          47:305.38.

19          (96) Pharmaceutical samples manufactured or imported into the state free of  
20          charge as provided in R.S. 47:305.47.

21          (97) The exclusion for surface preparation, painting, and coating fixed or  
22          rotary wing aircraft and certified transport category aircraft registered outside of this  
23          state, as provided in R.S. 47:301(14)(g)(iv).

24          (98) Sales of platinum, gold, and silver bullion, that is valued solely upon its  
25          precious metal content, whether in coin or ingot form as provided in R.S.  
26          47:301(16)(b)(ii)(aa).

27          (99) Sales of certain numismatic coins as provided in R.S.  
28          47:301(16)(b)(ii)(bb) and (cc).

1                   (100) Purchases, use, and lease of manufacturing machinery and equipment

2                   as provided in R.S. 47:301(3)(i), (13)(k) and (28)(a).

3   \*           \*           \*

4                   §321. Imposition of tax

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8                   (2) Notwithstanding any other provision of law to the contrary, including but  
9                   not limited to any contrary provisions of this Chapter, the exemption provided for  
10                  in R.S. 47:305(A)(2) and 305.25(A)(3) shall be applicable, operable, and effective  
11                  from July 1, 2007, through June 30, 2018.

12                  (3) Notwithstanding any other provision of the law or any other provision  
13                  of this Chapter to the contrary, the exemption provided in R.S. 47:305(D)(1)(i) for  
14                  new boats, vessels, or other water craft used as demonstrators shall be applicable,  
15                  operable, and effective for all taxable periods beginning on or after July 1, 2009,  
16                  through June 30, 2018.

17                  (4) Notwithstanding any other provision of law to the contrary, including but  
18                  not limited to any contrary provisions of this Chapter, the exemption provided for  
19                  in R.S. 47:305.63 shall be applicable, operable, and effective from July 1, 2009,  
20                  through June 30, 2018.

21                  (5) Notwithstanding any other provision of law to the contrary, including but  
22                  not limited to any contrary provisions of this Chapter, the exemption provided for  
23                  in R.S. 47:305.64 shall be applicable, operable, and effective from July 1, 2009,  
24                  through June 30, 2018.

25                  (6) Notwithstanding any other provision of law to the contrary which makes  
26                  any sales and use tax exemption inapplicable, inoperable, and of no effect, the  
27                  exemption provided in R.S. 47:305(D)(2) shall be applicable, operable, and effective  
28                  from January 1, 1998, through June 30, 2018.

1 I. Notwithstanding any other provision of law to the contrary and specifically  
2 notwithstanding any provision enacted during the 2004 First Extraordinary Session  
3 which makes any sales and use tax exemption inapplicable, inoperable, and of no  
4 effect, the exemption provided in R.S. 47:305.51 shall be applicable, operable, and  
5 effective for all taxable periods beginning on or after July 1, 2007 , through June 30,  
6 2018.

7 J. Notwithstanding any other provision of law to the contrary and  
8 specifically notwithstanding any provision enacted to make any sales and use tax  
9 exemption inapplicable, inoperable, and of no effect, the exemption provided in R.S.  
10 47:305(A)(5)(b) shall be applicable, operable, and effective from July 1, 2009,  
11 through June 30, 2018.

12 K. Notwithstanding the provisions of Subsection H of this Section or any  
13 other provision of this Chapter to the contrary, for taxable periods beginning on or  
14 after July 1, 2008, through June 30, 2018, the exemptions to the tax levied by this  
15 Section for electric power or energy, natural gas, steam, and water shall be  
16 applicable, operative, and effective.

17 \* \* \*

18 P. Notwithstanding any other provision of law to the contrary, including but  
19 not limited to any contrary provisions of this Chapter, beginning July 1, 2018, there  
20 shall be no exemptions, and no exclusions as defined in R.S. 47:301, to the tax levied  
21 pursuant to the provisions of this Section, except for the retail sale, use,  
22 consumption, 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) through  
24 (r) on January 1, 2003, as provided in Article VII, Section 2.2 of the Constitution of  
25 Louisiana.

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

28 (3) Electricity as provided in Article VII, Section 2.2 of the Constitution of  
29 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 as  
6           provided in Article VII, Section 27 of the Constitution of Louisiana.
- 7           (7) Sales to the United States government and its agencies as provided in  
8           R.S. 47:301(10)(g).
- 9           (8) Other constructions permanently attached to the ground as provided in  
10           R.S. 47:301(16)(l).
- 11           (9) Installation charges on tangible personal property as provided in R.S.  
12           47:301(3)(a).
- 13           (10) Installation of oil field board roads as provided in R.S. 47:301(3)(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) Sales, leases, or rentals 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 commodities as provided in R.S.  
22           47:301(10)(e).
- 23           (16) Sales of food by a youth serving organization chartered by the Congress  
24           of the United States as provided in R.S. 47:301(10)(h).
- 25           (17) Tangible personal property sold or donated to a food bank as provided  
26           in R.S. 47:301(10)(j) and (18)(a)(i).
- 27           (18) Materials used in the collection of blood as provided in R.S.  
28           47:301(16)(j).

- 1           (19) Aphaeresis kits and leuko reduction filters as provided in R.S.  
2           47:301(16)(k).
- 3           (20) Donations to schools and food banks from resale inventory as provided  
4           in R.S. 47:301(18)(a).
- 5           (21) Manufacturers rebates on a new motor vehicle as provided in R.S.  
6           47:301(3)(e) and (13)(b).
- 7           (22) Leases or rentals of railroad rolling stock as provided in R.S.  
8           47:301(4)(k).
- 9           (23) Sales, purchases and leases of tangible personal property by free  
10          hospitals as provided in R.S. 47:301(7)(e), (10)(p), and (18)(c).
- 11          (24) Purchases by a nonprofit entity that sells donated goods as provided in  
12          R.S. 47:301(8)(f).
- 13          (25) Tangible personal property for resale as provided in R.S.  
14          47:301(10)(a)(i).
- 15          (26) Purchases of property for lease or rental as provided in R.S.  
16          47:301(10)(a)(iii) and (18)(a)(iii).
- 17          (27) Isolated or occasional sales of tangible personal property by a person  
18          not engaged in such business as provided in R.S. 47:301(1) and (10)(c)(ii)(bb).
- 19          (28) Use of a motor vehicle in Louisiana by a member of the active duty  
20          military as provided in R.S. 47:303(A)(3)(a) and 305.48.
- 21          (29) Purchases made with food stamps and WIC as provided in R.S.  
22          47:305.46.
- 23          (30) An article traded in on the purchase of tangible personal property as  
24          provided in R.S. 47:301(13)(a).
- 25          (31) Donation of toys as provided in R.S. 47:301(10)(aa)(i) and (18)(m).
- 26          (32) Stocks, bonds, notes, and other obligations or securities as provided in  
27          R.S. 47:301(16)(b)(i).
- 28          (33) Credit for sales and use taxes paid to another state on tangible personal  
29          property imported in Louisiana as provided in R.S. 47:303(A)(3)(a).

- 1           (34) Work product of certain professionals as provided in R.S.  
2           47:301(16)(e).
- 3           (35) Purchases by a regionally accredited independent educational institution  
4           as provided in R.S. 47:301(8)(b).
- 5           (36) Sales through a coin-operated vending machine as provided in  
6           R.S.47:301(10)(b)(i).
- 7           (37) Purchases by a private postsecondary academic degree-granting  
8           institution as provided in R.S. 47:301(10)(cc) and(18)(n).
- 9           (38) Purchases of food items for school lunch and breakfast programs by a  
10          nonpublic elementary or secondary school as provided in R.S. 47:301(10)(dd).
- 11          (39) Funeral directing services as provided in R.S. 47:301(14)(j).
- 12          (40) Feed and feed additives for animals held for business purposes as  
13          provided in R.S. 47:305(A)(4).
- 14          (41) Farm products produced and used by farmers as provided in R.S.  
15          47:305(B).
- 16          (42) Sale of fertilizer and containers to farmers as provided in R.S.  
17          47:305(D)(1)(f).
- 18          (43) Sales of seeds for planting crops as provided in R.S. 47:305.3.
- 19          (44) Sales of pesticides for agricultural purposes as provided in R.S.  
20          47:305.8.
- 21          (45) The cost price for the printing of a news publication as provided in R.S.  
22          47:301(3)(h).
- 23          (46) Vehicle rentals to a warranty customer as provided in R.S. 47:301(7)(h).
- 24          (47) Leases or rentals of a crane and related equipment with an operator as  
25          provided in R.S. 47:301(7)(k).
- 26          (48) Sales by and to the state and its political subdivisions as provided in  
27          R.S. 47:301(8)(c).
- 28          (49) Sales of materials for further processing as provided in R.S.  
29          47:301(10)(c)(i)(aa).

- 1           (50) The sales price for new farm equipment used in poultry production as  
2           provided in R.S. 47:301(13)(c).
- 3           (51) A factory built home as provided in R.S. 47:301(16)(g).
- 4           (52) Any advertising service rendered by an advertising business as provided  
5           in R.S. 47:302(D).
- 6           (53) Sales of livestock, poultry, and other farm products direct from a farm  
7           as provided in R.S. 47:305(A)(1).
- 8           (54) Sales of livestock at a public sale sponsored by a breeders' or registry  
9           association or at a livestock auction market as provided in R.S. 47:305(A)(2).
- 10          (55) Sales of agricultural commodities by a person other than the producer,  
11          for use in further processing as provided in R.S. 47:305(A)(3).
- 12          (56) Transactions in interstate commerce and tangible personal property  
13          imported into this state, or produced or manufactured in this state, for export as  
14          provided in R.S. 47:305(E).
- 15          (57) Ships, vessels, barges, and related supplies as provided in R.S. 47:305.1.
- 16          (58) The sales price of new farm equipment, including polyroll tubing, as  
17          provided in R.S. 47:305.25.
- 18          (59) A truck and trailer if used at least eighty percent of the time in interstate  
19          commerce as provided in R.S. 47:305.50(A).
- 20          (60) Freight cars, piggyback trailers, and rail rolling stock, and railroad ties  
21          as provided in 47:305.45 and 305.50(F).
- 22          (61) Councils on Aging as provided in R.S. 47:305.66.
- 23          (62) Sales of pharmaceuticals administered to livestock for agricultural  
24          purposes as provided in R.S. 47:301(16)(f).
- 25          (63) Materials used in the production of crawfish and catfish as provided in  
26          R.S. 47:305(A)(5) and (6).
- 27          (64) Sales of room rentals by a camp or retreat facility owned by a nonprofit  
28          organization as provided in R.S. 47:301(6)(b).



1           (65) Sales of room rentals by a homeless shelter as provided in R.S.  
2           47:301(6)(c).

3           (66) Sales, leases, and rentals of tangible personal property to Boys State of  
4           Louisiana, Inc. and Girls State of Louisiana, Inc. as provided in R.S. 47:301(7)(g)  
5           and (10)(r).

6           (67) Sales or purchases of fire-fighting equipment by a volunteer fire  
7           department as provided in R.S. 47:301(10)(o).

8           (68) Sales to, and leases, rentals, and use of educational materials and  
9           equipment used for classroom instruction by a parochial and private elementary and  
10          secondary school that complies with the court order from the Dodd Brumfield  
11          decision and Section 501(c)(3) of the Internal Revenue code as provided in R.S.  
12          47:301(7)(f), (10)(q)(ii) and (18)(e)(ii).

13          (69) Sales by a parochial and private elementary and secondary school that  
14          complies with the court order from the Dodd Brumfield decision and Section  
15          501(c)(3) of the Internal Revenue code as provided in R.S. 47:301(10)(q)(i) and  
16          (18)(e)(i).

17          (70) Sales, as provided in R.S. 47:301(14)(b)(i), but only of admissions to  
18          an athletic and entertainment event held for or by an elementary or secondary school  
19          and membership fees or dues of a nonprofit, civic association.

20          (71) Sales or use of orthotic devices, prosthetic devices, hearing aids,  
21          eyeglasses, contact lenses, and wheelchairs prescribed by a physician, optometrist,  
22          or licensed chiropractor used exclusively by the patient for personal use as provided  
23          in R.S. 47:305(D)(1)(k).

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

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

27          (74) Sales of orthotic and prosthetic devices and restorative materials utilized  
28          and prescribed by dentists as provided in R.S. 47:305(D)(1)(t).

1           (75) Sales or use of adaptive driving equipment and motor vehicle  
2           modification prescribed for personal use as provided in R.S. 47:305(D)(1)(u).

3           (76) Sales or use of a meal by an educational institution, medical facility,  
4           mental institution, and an occasional meal furnished by an educational, religious, or  
5           medical organization as provided in R.S. 47:305(D)(2).

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

8           (78) Sales of admission to entertainment events by a Little Theater  
9           organization as provided in R.S. 47:305.6.

10           (79) Sales of admission to musical performances sponsored by a nonprofit  
11           organization as provided in R.S. 47:305.7.

12           (80) Sales of admissions to entertainment events sponsored by domestic  
13           nonprofit charitable, religious, and educational organizations as provided in R.S.  
14           47:305.13.

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

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

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

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

24           (85) Sales and purchases by certain organizations that provide training for  
25           blind persons as provided in R.S. 47:305.15.

26           (86) Purchases and leases by qualified radiation therapy treatment centers as  
27           provided in R.S. 47:305.64.

28           (87) Sales of electricity for chlor-alkali manufacturing as provided in R.S.  
29           47:301(10)(c)(ii)(aa).

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

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

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

9           (91) Repairs and materials used on drilling rigs and equipment used  
10          exclusively for exploration of development of minerals as provided in R.S. 47:305(I).

11          (92) Sales by thrift shops located on military installations as provided in R.S.  
12          47:305.14(A)(4).

13          (93) Leases or rentals of vessels for use in offshore mineral production or the  
14          provision of services to those engaged in mineral production as provided in R.S.  
15          47:305.19.

16          (94) Sales of gasohol as provided in R.S. 47:305.28.

17          (95) Sales or purchases by sheltered workshops as provided in R.S.  
18          47:305.38.

19          (96) Pharmaceutical samples manufactured or imported into the state free of  
20          charge as provided in R.S. 47:305.47.

21          (97) The exclusion for surface preparation, painting, and coating fixed or  
22          rotary wing aircraft and certified transport category aircraft registered outside of this  
23          state, as provided in R.S. 47:301(14)(g)(iv).

24          (98) Sales of platinum, gold, and silver bullion, that is valued solely upon its  
25          precious metal content, whether in coin or ingot form as provided in R.S.  
26          47:301(16)(b)(ii)(aa).

27          (99) Sales of certain numismatic coins as provided in R.S.  
28          47:301(16)(b)(ii)(bb) and (cc).

1                    (100) Purchases, use, and lease of manufacturing machinery and equipment  
2                    as provided in R.S. 47:301(3)(i), (13)(k) and (28)(a).

3                    (101) The sale or use of steam, water, electric power or energy, natural gas,  
4                    or energy sources, hereinafter "utilities", used by a manufacturer which has been  
5                    assigned a North American Industrial Classification System Code within  
6                    manufacturing Sectors 31-33 by the Louisiana Workforce Commission, which  
7                    utilities are used in a plant facility predominately and directly in the actual  
8                    manufacturing process of an item of tangible personal property.

9   \*           \*           \*

10                   §331. Imposition of tax

11   \*           \*           \*

12                   P.(1) For the period July 1, 2004, through ~~April 1, 2019~~ June 30, 2018, the  
13                   exemptions to the tax levied by this Section for sales of steam, water, electric power,  
14                   or energy, and natural gas shall be inapplicable, inoperable, and of no effect as to the  
15                   tax levied by this Section.

16                   (2) Notwithstanding any other provision of law to the contrary, including but  
17                   not limited to any contrary provisions of this Chapter, the exemption provided for  
18                   in R.S. 47:305(A)(2) and 305.25(A)(3) shall be applicable, operable, and effective  
19                   from July 1, 2007, through June 30, 2018.

20                   (3) Notwithstanding any other provision of law to the contrary which makes  
21                   any sales and use tax exemption inapplicable, inoperable, and of no effect, the  
22                   exemption provided in R.S. 47:305(D)(2) shall be applicable, operable, and effective  
23                   from January 1, 1998, through June 20, 2018.

24                   Q. Notwithstanding any other provision of the law to the contrary and  
25                   specifically notwithstanding any provision enacted during the 2004 First  
26                   Extraordinary Session which makes any sales and use tax exemption inapplicable,  
27                   inoperable, and of no effect, the exemption provided in R.S. 47:305.51 shall be  
28                   applicable, operable, and effective for all taxable periods beginning on or after July

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1 1, 2007, through March 31, 2016, ~~and for all taxable periods on and after April 1,~~  
2 2019.

3 R. Notwithstanding any other provision of law to the contrary and  
4 specifically notwithstanding any provision which is enacted to make any sales and  
5 use tax exemption inapplicable, inoperable, and of no effect, the exemption provided  
6 in R.S. 47:305(A)(5)(b) shall be applicable, operable, and effective from July 1,  
7 2009, through June 30, 2018.

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, there  
11 shall be no exemptions, and no exclusions as defined in R.S. 47:301, to the tax levied  
12 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 items:

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

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

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

21 (4) Water as provided in Article VII, Section 2.2 of the Constitution of  
22 Louisiana.

23 (5) Prescription drugs as provided in Article VII, Section 2.2 of the  
24 Constitution of Louisiana.

25 (6) Gasoline and other motor fuels subject to the state excise tax on fuel as  
26 provided in Article VII, Section 27 of the Constitution of Louisiana.

27 (7) Sales to the United States government and its agencies as provided in  
28 R.S. 47:301(10)(g).

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- 1           (8) Other constructions permanently attached to the ground as provided in  
2           R.S. 47:301(16)(l).
- 3           (9) Installation charges on tangible personal property as provided in R.S.  
4           47:301(3)(a).
- 5           (10) Installation of oil field board roads as provided in R.S. 47:301(3)(c).
- 6           (11) Transactions involving the construction or overhaul of United States  
7           Navy vessels as provided in R.S. 47:301(7)(c) and (14)(h).
- 8           (12) Property purchased for exclusive use outside the state as provided in  
9           R.S. 47:305.10.
- 10           (13) Sales, leases, or rentals of tangible personal property paid by or under  
11           the provisions of Medicare as provided in R.S. 47:315.3.
- 12           (14) Sales of human tissue transplants as provided in R.S. 47:301(10)(d).
- 13           (15) Sales of raw agricultural commodities as provided in R.S.  
14           47:301(10)(e).
- 15           (16) Sales of food by a youth serving organization chartered by the Congress  
16           of the United States as provided in R.S. 47:301(10)(h).
- 17           (17) Tangible personal property sold or donated to a food bank as provided  
18           in R.S. 47:301(10)(j) and (18)(a)(i).
- 19           (18) Materials used in the collection of blood as provided in R.S.  
20           47:301(16)(j).
- 21           (19) Aphaeresis kits and leuko reduction filters as provided in R.S.  
22           47:301(16)(k).
- 23           (20) Donations to schools and food banks from resale inventory as provided  
24           in R.S. 47:301(18)(a).
- 25           (21) Manufacturers rebates on a new motor vehicle as provided in R.S.  
26           47:301(3)(e) and (13)(b).
- 27           (22) Leases or rentals of railroad rolling stock as provided in R.S.  
28           47:301(4)(k).

- 1           (23) Sales, purchases and leases of tangible personal property by free  
2           hospitals as provided in R.S. 47:301(7)(e), (10)(p), and (18)(c).
- 3           (24) Purchases by a nonprofit entity that sells donated goods as provided in  
4           R.S. 47:301(8)(f).
- 5           (25) Tangible personal property for resale as provided in R.S.  
6           47:301(10)(a)(i).
- 7           (26) Purchases of property for lease or rental as provided in R.S.  
8           47:301(10)(a)(iii) and (18)(a)(iii).
- 9           (27) Isolated or occasional sales of tangible personal property by a person  
10          not engaged in such business as provided in R.S. 47:301(1) and (10)(c)(ii)(bb).
- 11          (28) Use of a motor vehicle in Louisiana by a member of the active duty  
12          military as provided in R.S. 47:303(A)(3)(a) and 305.48.
- 13          (29) Purchases made with food stamps and WIC as provided in R.S.  
14          47:305.46.
- 15          (30) An article traded in on the purchase of tangible personal property as  
16          provided in R.S. 47:301(13)(a).
- 17          (31) Donation of toys as provided in R.S. 47:301(10)(aa)(i) and (18)(m).
- 18          (32) Stocks, bonds, notes, and other obligations or securities as provided in  
19          R.S. 47:301(16)(b)(i).
- 20          (33) Credit for sales and use taxes paid to another state on tangible personal  
21          property imported in Louisiana as provided in R.S. 47:303(A)(3)(a).
- 22          (34) Work product of certain professionals as provided in R.S.  
23          47:301(16)(e).
- 24          (35) Purchases by a regionally accredited independent educational institution  
25          as provided in R.S. 47:301(8)(b).
- 26          (36) Sales through a coin-operated vending machine as provided in  
27          R.S.47:301(10)(b)(i).
- 28          (37) Purchases by a private postsecondary academic degree-granting  
29          institution as provided in R.S. 47:301(10)(cc) and(18)(n).

- 1           (38) Purchases of food items for school lunch and breakfast programs by a  
2           nonpublic elementary or secondary school as provided in R.S. 47:301(10)(dd).
- 3           (39) Funeral directing services as provided in R.S. 47:301(14)(j).
- 4           (40) Feed and feed additives for animals held for business purposes as  
5           provided in R.S. 47:305(A)(4).
- 6           (41) Farm products produced and used by farmers as provided in R.S.  
7           47:305(B).
- 8           (42) Sale of fertilizer and containers to farmers as provided in R.S.  
9           47:305(D)(1)(f).
- 10           (43) Sales of seeds for planting crops as provided in R.S. 47:305.3.
- 11           (44) Sales of pesticides for agricultural purposes as provided in R.S.  
12           47:305.8.
- 13           (45) The cost price for the printing of a news publication as provided in R.S.  
14           47:301(3)(h).
- 15           (46) Vehicle rentals to a warranty customer as provided in R.S. 47:301(7)(h).
- 16           (47) Leases or rentals of a crane and related equipment with an operator as  
17           provided in R.S. 47:301(7)(k).
- 18           (48) Sales by and to the state and its political subdivisions as provided in  
19           R.S. 47:301(8)(c).
- 20           (49) Sales of materials for further processing as provided in R.S.  
21           47:301(10)(c)(i)(aa).
- 22           (50) The sales price for new farm equipment used in poultry production as  
23           provided in R.S. 47:301(13)(c).
- 24           (51) A factory built home as provided in R.S. 47:301(16)(g).
- 25           (52) Any advertising service rendered by an advertising business as provided  
26           in R.S. 47:302(D).
- 27           (53) Sales of livestock, poultry, and other farm products direct from a farm  
28           as provided in R.S. 47:305(A)(1).



1           (54) Sales of livestock at a public sale sponsored by a breeders' or registry  
2           association or at a livestock auction market as provided in R.S. 47:305(A)(2).

3           (55) Sales of agricultural commodities by a person other than the producer,  
4           for use in further processing as provided in R.S. 47:305(A)(3).

5           (56) Transactions in interstate commerce and tangible personal property  
6           imported into this state, or produced or manufactured in this state, for export as  
7           provided in R.S. 47:305(E).

8           (57) Ships, vessels, barges, and related supplies as provided in R.S. 47:305.1.

9           (58) The sales price of new farm equipment, including polyroll tubing, as  
10          provided in R.S. 47:305.25.

11          (59) A truck and trailer if used at least eighty percent of the time in interstate  
12          commerce as provided in R.S. 47:305.50(A).

13          (60) Freight cars, piggyback trailers, and rail rolling stock, and railroad ties  
14          as provided in 47:305.45 and 305.50(F).

15          (61) Councils on Aging as provided in R.S. 47:305.66.

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

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

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

22          (65) Sales of room rentals by a homeless shelter as provided in R.S.  
23          47:301(6)(c).

24          (66) Sales, leases, and rentals of tangible personal property to Boys State of  
25          Louisiana, Inc. and Girls State of Louisiana, Inc. as provided in R.S. 47:301(7)(g)  
26          and (10)(r).

27          (67) Sales or purchases of fire-fighting equipment by a volunteer fire  
28          department as provided in R.S. 47:301(10)(o).

1           (68) Sales to, and leases, rentals, and use of educational materials and  
2           equipment used for classroom instruction by a parochial and private elementary and  
3           secondary school that complies with the court order from the Dodd Brumfield  
4           decision and Section 501(c)(3) of the Internal Revenue code as provided in R.S.  
5           47:301(7)(f), (10)(q)(ii) and (18)(e)(ii).

6           (69) Sales by a parochial and private elementary and secondary school that  
7           complies with the court order from the Dodd Brumfield decision and Section  
8           501(c)(3) of the Internal Revenue code as provided in R.S. 47:301(10)(q)(i) and  
9           (18)(e)(i).

10           (70) Sales, as provided in R.S. 47:301(14)(b)(i), but only of admissions to  
11           an athletic and entertainment event held for or by an elementary or secondary school  
12           and membership fees or dues of a nonprofit, civic association.

13           (71) Sales or use of orthotic devices, prosthetic devices, hearing aids,  
14           eyeglasses, contact lenses, and wheelchairs prescribed by a physician, optometrist,  
15           or licensed chiropractor used exclusively by the patient for personal use as provided  
16           in R.S. 47:305(D)(1)(k).

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

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

20           (74) Sales of orthotic and prosthetic devices and restorative materials utilized  
21           and prescribed by dentists as provided in R.S. 47:305(D)(1)(t).

22           (75) Sales or use of adaptive driving equipment and motor vehicle  
23           modification prescribed for personal use as provided in R.S. 47:305(D)(1)(u).

24           (76) Sales or use of a meal by an educational institution, medical facility,  
25           mental institution, and an occasional meal furnished by an educational, religious, or  
26           medical organization as provided in R.S. 47:305(D)(2).

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

1           (78) Sales of admission to entertainment events by a Little Theater  
2           organization as provided in R.S. 47:305.6.

3           (79) Sales of admission to musical performances sponsored by a nonprofit  
4           organization as provided in R.S. 47:305.7.

5           (80) Sales of admissions to entertainment events sponsored by domestic  
6           nonprofit charitable, religious, and educational organizations as provided in R.S.  
7           47:305.13.

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

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

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

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

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

19          (86) Purchases and leases by qualified radiation therapy treatment centers as  
20          provided in R.S. 47:305.64.

21          (87) Sales of electricity for chlor-alkali manufacturing as provided in R.S.  
22          47:301(10)(c)(ii)(aa).

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

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

27          (90) Labor, materials, services, and supplies used for the repair, renovation,  
28          or conversion of drilling rig machinery and equipment which become component

1 parts of a drilling rig used exclusively for exploration or development of minerals as  
2 provided in R.S. 47:301(14)(g)(iii).

3 (91) Repairs and materials used on drilling rigs and equipment used  
4 exclusively for exploration or development of minerals as provided in R.S. 47:305(I).

5 (92) Sales by thrift shops located on military installations as provided in R.S.  
6 47:305.14(A)(4).

7 (93) Leases or rentals of vessels for use in offshore mineral production or the  
8 provision of services to those engaged in mineral production as provided in R.S.  
9 47:305.19.

10 (94) Sales of gasohol as provided in R.S. 47:305.28.

11 (95) Sales or purchases by sheltered workshops as provided in R.S.  
12 47:305.38.

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

15 (97) The exclusion for surface preparation, painting, and coating fixed or  
16 rotary wing aircraft and certified transport category aircraft registered outside of this  
17 state, as provided in R.S. 47:301(14)(g)(iv).

18 (98) Sales of platinum, gold, and silver bullion, that is valued solely upon its  
19 precious metal content, whether in coin or ingot form as provided in R.S.  
20 47:301(16)(b)(ii)(aa).

21 (99) Sales of certain numismatic coins as provided in R.S.  
22 47:301(16)(b)(ii)(bb) and (cc).

23 (100) Purchases, use, and lease of manufacturing machinery and equipment  
24 as provided in R.S. 47:301(3)(i), (13)(k) and (28)(a).

25 (101) The sale or use of steam, water, electric power or energy, natural gas,  
26 or energy sources, hereinafter "utilities", used by a manufacturer which has been  
27 assigned a North American Industrial Classification System Code within  
28 manufacturing Sectors 31-33 by the Louisiana Workforce Commission, which

1 utilities are used in a plant facility predominately and directly in the actual  
2 manufacturing process of an item of tangible personal property.

3 Section 2. R.S. 47:302(Y), 321(M), 331(T), and Act No. 395 of the 2017 Regular  
4 Session of the Legislature are hereby repealed in their entirety.

5 Section 3. This Act shall become effective on July 1, 2018; if vetoed by the governor  
6 and subsequently approved by the legislature, this Act shall become effective on July 1,  
7 2018, or on the day following such approval by the legislature, whichever is later.

#### 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 17 Original

2018 First Extraordinary Session

Dwight

**Abstract:** Provides for the applicability of certain exclusions and exemptions to state sales and use tax levies.

Present law establishes a variety of exclusions and exemptions ("exemptions") applicable to state sales and use tax.

Present law suspends numerous exemptions from the four levies of state sales and use tax (R.S. 47:302, 321, 321.1, and 331) for two different periods of time, both occurring between April 1, 2016, and June 30, 2018.

Present law provides that the suspension of certain exemptions for purposes of the tax levies in R.S. 47:321 and 331, expired June 30, 2016. The suspension with respect to the tax levies in R.S. 47:302 and 321.1, remains effective through June 30, 2018.

Present law provides that the 1% state sales and use tax imposed under R.S. 47:321.1 expires and becomes inoperable and of no effect on June 30, 2018.

Proposed law retains present law concerning the expiration of the 1% tax imposed under R.S. 47:321.1.

Present law establishes various provisions concerning specific exemptions to provide that the exemptions shall be applicable under all circumstances.

Proposed law changes present law by revising the various provisions for effectiveness of certain specific exemptions to sunset those provisions by June 30, 2018.

Proposed law changes present law regarding the effectiveness of all exemptions by establishing that on and after July 1, 2018, only the following exemptions shall be applicable to all state sales and use tax levies:

- (1) Food for home consumption as defined in R.S. 47:305(D)(1)(n) through (r) on January 1, 2003. (Const. Art. VII, §2.2)
- (2) Natural gas. (Const. Art. VII, §2.2)

- (3) Electricity. (Const. Art. VII, §2.2)
- (4) Water. (Const. Art. VII, §2.2)
- (5) Prescription drugs. (Const. Art. VII, §2.2)
- (6) Gasoline and other motor fuels subject to the state excise tax on fuel (Const. Art. VII, §27.
- (7) Sales to the U.S. government and its agencies. (R.S. 47:301(10)(g))
- (8) Other constructions permanently attached to the ground. (R.S. 47:301(16)(l))
- (9) Installation charges on tangible personal property. (R.S. 47:301(3)(a))
- (10) Installation of oil field board roads. (R.S. 47:301(3)(c))
- (11) Transactions involving the construction or overhaul of U.S. Navy vessels. (R.S. 47:301(7)(c) and (14)(h))
- (12) Property purchased for exclusive use outside the state. (R.S. 47:305.10)
- (13) Sales, leases, or rentals of tangible personal property paid by or under the provisions of Medicare. (R.S. 47:315.3)
- (14) Sales of human tissue transplants. (R.S. 47:301(10)(d))
- (15) Sales of raw agricultural commodities. (R.S. 47:301(10)(e))
- (16) Sales of food by a youth serving organization chartered by the U.S. Congress. (R.S. 47:301(10)(h))
- (17) Tangible personal property sold or donated to a food bank. (R.S. 47:301(10)(j) and (18)(a)(i))
- (18) Materials used in the collection of blood. (R.S. 47:301(16)(j))
- (19) Aphaeresis kits and leuko reduction filters. (R.S. 47:301(16)(k))
- (20) Donations to schools and food banks from resale inventory. (R.S. 47:301(18)(a))
- (21) Manufacturers rebates on a new motor vehicle. (R.S. 47:301(3)(e) and (13)(b))
- (22) Leases or rentals of railroad rolling stock. (R.S. 47:301(4)(k))
- (23) Sales, purchases and leases of tangible personal property by free hospitals. (R.S. 47:301(7)(e), (10)(p), and (18)(c))
- (24) Purchases by a nonprofit entity that sells donated goods. (R.S. 47:301(8)(f))
- (25) Tangible personal property for resale. (R.S. 47:301(10)(a)(i))
- (26) Purchases of property for lease or rental. (R.S. 47:301(10)(a)(iii) and (18)(a)(iii))
- (27) Isolated or occasional sales of tangible personal property by a person not engaged in such business. (R.S. 47:301(1) and (10)(c)(ii)(bb))
- (28) Use of a motor vehicle in La. by a member of the active duty military.

- (R.S. 47:303(A) and 305.48)
- (29) Purchases made with food stamps and WIC. (R.S. 47:305.46)
- (30) An article traded in on the purchase of tangible personal property.  
(R.S. 47:301(13)(a))
- (31) Donation of toys. (R.S. 47:301(10)(aa)(i) and (18)(m))
- (32) Stocks, bonds, notes, and other obligations or securities. (R.S. 47:301(16)(b)(i))
- (33) Credit for sales and use taxes paid to another state on tangible personal property imported in La. (R.S. 47:303(A)(3)(a))
- (34) Work product of certain professionals. (R.S. 47:301(16)(e))
- (35) Purchases by a regionally accredited independent educational institution. (R.S. 47:301(8)(b))
- (36) Sales through a coin-operated vending machine. (R.S.47:301(10)(b)(i))
- (37) Purchases by a private postsecondary academic degree-granting institution.  
(R.S. 47:301(10)(cc) and(18)(n))
- (38) Purchases of food items for school lunch and breakfast programs by a nonpublic elementary or secondary school. (R.S. 47:301(10)(dd))
- (39) Funeral directing services. (R.S. 47:301(14)(j))
- (40) Feed and feed additives for animals held for business purposes. (R.S. 47:305(A)(4))
- (41) Farm products produced and used by farmers. (R.S. 47:305(B))
- (42) Sale of fertilizer and containers to farmers. (R.S. 47:305(D)(1)(f))
- (43) Sales of seeds for planting crops. (R.S. 47:305.3)
- (44) Sales of pesticides for agricultural purposes. (R.S. 47:305.8)
- (45) The cost price for the printing of a news publication. (R.S. 47:301(3)(h))
- (46) Vehicle rentals to a warranty customer. (R.S. 47:301(7)(h))
- (47) Leases or rentals of a crane and related equipment with an operator.  
(R.S. 47:301(7)(k))
- (48) Sales by and to the state and its political subdivisions. (R.S. 47:301(8)(c))
- (49) Sales of materials for further processing. (R.S. 47:301(10)(c)(i)(aa))
- (50) The sales price for new farm equipment used in poultry production. (R.S. 47:301(13)(c))
- (51) A factory built home. (R.S. 47:301(16)(g))
- (52) Any advertising service rendered by an advertising business. (R.S. 47:302(D))
- (53) Sales of livestock, poultry, and other farm products direct from a farm.

- (R.S. 47:305(A)(1))
- (54) Sales of livestock at a public sale sponsored by a breeders' or registry association or at a livestock auction market. (R.S. 47:305(A)(2))
- (55) Sales of agricultural commodities by a person other than the producer, for use in further processing. (R.S. 47:305(A)(5))
- (56) Transactions in interstate commerce and tangible personal property imported into this state, or produced or manufactured in this state for export. (R.S. 47:305(E))
- (57) Ships, vessels, barges, and related supplies. (R.S. 47:305.1)
- (58) The sales price of new farm equipment, including polyroll tubing. (R.S. 47:305.25)
- (59) A truck and trailer if used at least 80% of the time in interstate commerce. (R.S. 47:305.50(A))
- (60) Freight cars, piggyback trailers, and rail rolling stock, and railroad ties. (R.S. 47:305.45 and 305.50(F))
- (61) Councils on Aging. (R.S. 47:305.66)
- (62) Sales of pharmaceuticals administered to livestock for agricultural purposes. (R.S. 47:301(16)(f))
- (63) Materials used in the production of crawfish and catfish. (R.S. 47:305(A)(5) and (6))
- (64) Sales of room rentals by a camp or retreat facility owned by a nonprofit organization. (R.S. 47:301(6)(b))
- (65) Sales of room rentals by a homeless shelter. (R.S. 47:301(6)(c))
- (66) Sales, leases, and rentals of tangible personal property to Boys State of La., Inc. and Girls State of La., Inc. (R.S. 47:301(7)(g) and (10)(r))
- (67) Sales or purchases of fire-fighting equipment by a volunteer fire department. (R.S. 47:301(10)(o))
- (68) Sales to, and leases, rentals, and use of educational materials and equipment used for classroom instruction by a parochial and private elementary and secondary school that complies with the court order from the Dodd Brumfield decision and federal law. (R.S. 47:301(7)(f), (10)(q)(ii) and (18)(e)(ii))
- (69) Sales by a parochial and private elementary and secondary school that complies with the court order from the Dodd Brumfield decision and federal law. (R.S. 47:301(10)(q)(i) and (18)(e)(i))
- (70) Sales, (R.S. 47:301(14)(b)(i)), but only of admissions to an athletic and entertainment event held for or by an elementary or secondary school and membership fees or dues of a nonprofit, civic association.
- (71) Sales or use of orthotic devices, prosthetic devices, hearing aids, eyeglasses, contact lenses, and wheelchairs prescribed by a physician, optometrist, or licensed chiropractor used exclusively by the patient for personal use. (R.S. 47:305(D)(1)(k))
- (72) Sales or use of ostomy, colostomy, and ileostomy devices and equipment. (R.S. 47:305(D)(1)(l))



- (73) Sales of medical devices. (R.S. 47:305(D)(1)(s))
- (74) Sales of orthotic and prosthetic devices and restorative materials utilized and prescribed by dentists. (R.S. 47:305(D)(1)(t))
- (75) Sales or use of adaptive driving equipment and motor vehicle modification prescribed for personal use. (R.S. 47:305(D)(1)(u))
- (76) Sales or use of a meal by an educational institution, medical facility, mental institution, and an occasional meal furnished by an educational, religious, or medical organization. (R.S. 47:305(D)(2))
- (77) Purchases or rentals of kidney dialysis machines, parts, materials, and supplies for home use under a physician's prescription. (R.S. 47:305(G))
- (78) Sales of admission to entertainment events by a Little Theater organization. (R.S. 47:305.6)
- (79) Sales of admission to musical performances sponsored by a nonprofit organization. (R.S. 47:305.7)
- (80) Sales of admissions to entertainment events sponsored by domestic nonprofit charitable, religious, and educational organizations. (R.S. 47:305.13)
- (81) 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. (R.S. 47:305.14(A)(1))
- (82) Sales of admissions and parking fees at fairs and festivals sponsored by nonprofit organizations. (R.S. 47:305.18)
- (83) Purchases of fishing vessels, supplies, fuels, lubricants, and repairs for the vessels of licensed commercial fishermen. (R.S. 47:305.20)
- (84) Sales of butane, propane, or other liquified petroleum gases for private, residential consumption. (R.S. 47:305.39)
- (85) Sales and purchases by certain organizations that provide training for blind persons. (R.S. 47:305.15)
- (86) Purchases and lease by qualified radiation therapy treatment centers. (R.S. 47:305.64)
- (87) Sales of electricity for chlor-alkali manufacturing. (R.S. 47:301(10)(c)(ii)(aa))
- (88) Rentals or leases of certain oilfield property for re-lease or re-rental. (R.S. 47:301(7)(b))
- (89) Sales of aircraft manufactured in La. with a capacity in excess of eight persons. (R.S. 47:301(10)(m))
- (90) 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. (R.S. 47:301(14)(g)(iii))
- (91) Repairs and materials used on drilling rigs and equipment used exclusively for exploration of development of minerals. (R.S. 47:305(I))

- (92) Sales by thrift shops located on military installations. (R.S. 47:305.14(A)(4))
- (93) Leases or rentals of vessels for use in offshore mineral production, or the provision of services to those engaged in mineral production. (R.S. 47:305.19)
- (94) Sales of gasohol. (R.S. 47:305.28)
- (95) Sales or purchases by sheltered workshops. (R.S. 47:305.38)
- (96) Pharmaceutical samples manufactured or imported into the state free of charge. (R.S. 47:305.47)
- (97) The exclusion for surface preparation, painting, and coating fixed or rotary wing aircraft and certified transport category aircraft registered outside of this state. (R.S. 47:301(14)(g)(iv))
- (98) Sales of platinum, gold, and silver bullion, that is valued solely upon its precious metal content, whether in coin or ingot form. (R.S. 47:301(16)(b)(ii)(aa))
- (99) Sales of certain numismatic coins. (R.S. 47:301(16)(b)(ii)(bb) and (cc))
- (100) Purchases, use, and lease of manufacturing machinery and equipment. (R.S. 47:301(3)(i)(i), (13)(k) and (28)(a))

Proposed law authorizes an exemption from the taxes levied under R.S. 47:321 and 331 for the sale to and use of utilities used in a plant facility predominately and directly in the actual manufacturing process of an item of tangible personal property.

Effective July 1, 2018.

(Amends R.S. 47:302(R)(2) and (3), (S), (T), (X)(intro. para.),(AA)(intro. para.), (AA)(29) through (31), and (AA)(32)(intro. para.), 321(H)(2) through (6), and (I) through (K), and 331(P), (Q), and (R); Adds 47:302(BB), 321(P), and 331(V); Repeals R.S. 47:302(Y), 321(M), and 331(T), and Act No. 395 of the 2017 R. S.)