

2023 Regular Session

SENATE BILL NO. 227

BY SENATOR DUPLESSIS

TAX EXEMPTIONS. Provides for state and local sales and use taxes on digital art sold in a cultural product district. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 47:305.57(B)(2) and to enact R.S. 47:305.57(B)(3), relative to
3 the sales and use tax exemption for the sales of certain art within cultural product
4 districts; to provide an exemption for digital art; to provide for applicability; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:305.57(B)(2) is hereby amended and reenacted and R.S.
8 47:305.57(B)(3) is hereby enacted to read as follows:

9 §305.57. Exemptions; sale of art work

10 * * *

11 B. For purposes of this Section, the following phrases shall have the
12 following meanings:

13 * * *

14 (2) **"Digital art" shall mean digitally created content including, but not**
15 **limited to a picture, video, or song to which ownership can be proven through**
16 **use of blockchain or another similar mechanism.**

17 (3) "Works of art" shall mean visual arts and crafts including but not limited

1 to paintings, photographs, sculpture, pottery, **digital art**, and traditional or fine
2 crafts. The Department of Culture, Recreation and Tourism may determine whether
3 or not an item meets this definition as well as whether the item is "original, one-of-a-
4 kind" work.

5 * * *

6 Section 2. This Act shall be applicable to taxable periods beginning on or after July
7 1, 2023.

8 Section 3. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 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 Danielle B. Clapinski.

DIGEST

SB 227 Original

2023 Regular Session

Duplessis

Present law authorizes a sales and use tax exemption to the sales of original, one-of-a-kind works of art from an established location within a cultural product district.

Present law defines "works of art" to mean visual arts and crafts including but not limited to paintings, photographs, sculpture, pottery, and traditional or fine crafts.

Proposed law adds digital art to the definition of works of art and otherwise retains present law.

Proposed law defines "digital art" to mean digitally created content including but not limited to a picture, video, or song to which ownership can be proven through use of blockchain or another similar mechanism.

Applicable to taxable periods beginning on or after July 1, 2023.

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

(Amends R.S. 47:305.57(B)(2); adds R.S. 47:305.57(B)(3))