

2017 Regular Session

HOUSE BILL NO. 668

BY REPRESENTATIVE STOKES

TAX/SALES & USE: Extends the applicability of certain sales and use tax exemptions to local sales and use taxes

1 AN ACT

2 To amend and reenact R.S. 47:301(14)(g)(i)(bb)(I), 305(A)(2), (5), and (6), and (D)(1)(k)
3 through (m) and (s), 305.20(A), 305.25(A)(introductory paragraph) and (B),
4 305.37(A), 305.50(E)(2), 305.63, 305.64(A)(1), to enact R.S. 47:305.72, and to
5 repeal R.S. 47:301(16)(n), 305.20(G), 305.25(C), 305.37(B), and 337.10(D), (J), (N),
6 and (O), relative to sales and use taxes; to provide with respect to certain exemptions
7 and exclusions from tax; to provide for applicability of certain exemptions and
8 exclusions from locals sales and use taxes: to provide for effectiveness; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 47:301(14)(g)(i)(bb)(I), 305(A)(2), (5), and (6), and (D)(1)(k)
12 through (m) and (s), 305.20(A), 305.25(A)(introductory paragraph) and (B), 305.37(A),
13 305.50(E)(2), 305.63, 305.64(A)(1) are hereby amended and reenacted and R.S. 47:305.72
14 is hereby enacted to read as follows:

15 §301. Definitions

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

19 * * *
20 (14)
21 * * *

1 (g)(i)

2 * * *

3 (bb)(I) For purposes of the sales and use tax levied by the state ~~and by tax~~
4 ~~authorities in East Feliciana Parish~~ or any other taxing authority, charges for the
5 furnishing of repairs to tangible personal property shall be excluded from sales of
6 services, as defined in this Subparagraph, when the repaired property is (1) delivered
7 to a common carrier or to the United States Postal Service for transportation outside
8 the state, or (2) delivered outside the state by use of the repair dealer's own vehicle
9 or by use of an independent trucker. However, as to aircraft, delivery may be by the
10 best available means. This exclusion shall not apply to sales and use taxes levied by
11 any other parish, municipality or school board. ~~However, any other parish,~~
12 ~~municipality or school board may apply the exclusion as defined in this~~
13 ~~Subparagraph to sales or use taxes levied by any such parish, municipality, or school~~
14 ~~board.~~ Offshore areas shall not be considered another state for the purpose of this
15 Subparagraph. The applicability of the exclusion provided for in this Subsubitem
16 for purposes of the sales and use tax imposed by any taxing authority other than the
17 state shall be phased-in as follows:

18 (i) For the period beginning October 1, 2017, and ending September 30,
19 2018, the exclusion shall apply to twenty-five percent of the amount of the taxable
20 sale.

21 (ii) For the period beginning October 1, 2018, and ending September 30,
22 2019, the exclusion shall apply to fifty percent of the amount of the taxable sale.

23 (iii) For the period beginning October 1, 2019, and ending September 30,
24 2020, the exemption shall apply to seventy-five percent of the taxable sale.

25 (iv) For taxable periods beginning on and after October 1, 2020, the
26 exclusion shall apply to one hundred percent of the amount of the taxable sale.

27 * * *

1 §305. Exclusions and exemptions from the tax

2 A.

3 * * *

4 (2)(a) The gross proceeds derived from the sale in this state of livestock at
5 public sales sponsored by breeders' or registry associations or livestock auction
6 markets are exempted from the sales and use tax levied by the state ~~only~~ or any other
7 taxing authority. When public sales of livestock are made to consumers by any
8 person other than through a public sale sponsored by a breeders' or registry
9 association or a livestock auction market, they are not exempted from the sales and
10 use tax imposed by the state or any other taxing authority. This Section shall be
11 construed as exempting race horses entered in races and claimed at any racing meet
12 held in Louisiana, whether the horse claimed was owned by the original breeder or
13 not.

14 (b) The applicability of the exemption provided for in this Paragraph for
15 purposes of the sales and use tax imposed by any taxing authority other than the state
16 shall be phased-in as follows:

17 (i) For the period beginning October 1, 2017, and ending September 30,
18 2018, the exemption shall apply to twenty-five percent of the amount of the taxable
19 sale.

20 (ii) For the period beginning October 1, 2018, and ending September 30,
21 2019, the exemption shall apply to fifty percent of the amount of the taxable sale.

22 (iii) For the period beginning October 1, 2019, and ending September 30,
23 2020, the exemption shall apply to seventy-five percent of the taxable sale.

24 (iv) For taxable periods beginning on and after October 1, 2020, the
25 exemption shall apply to one hundred percent of the amount of the taxable sale.

26 * * *

27 ~~(5)(a) Solely for purposes of the sales and use tax levied by the state, such~~
28 ~~tax shall not apply to the~~ The sale or use of bait, feed, materials, supplies, equipment,
29 fuel, and related items other than vessels used in the production or harvesting of

1 crawfish shall be exempt from sales and use taxes imposed by the state or any other
2 taxing authority. The person who purchases the exempt items shall claim the
3 exemption by executing a certificate at the time of purchase. The Department of
4 Revenue shall provide the certificates to retail merchants. Any merchant who in
5 good faith, and after examination of the applicability of the certificate to that
6 purchase with due care, neglects or fails to collect the tax herein provided, due to the
7 presentation by the purchaser of a tax exemption certificate issued by the Department
8 of Revenue, including those issued pursuant to R.S. 47:305.10, shall not be liable for
9 the payment of the tax.

10 (b) ~~Solely for purposes of the sales and use tax levied by the state, such tax~~
11 ~~shall not apply to the sale or use of bait and feed used in the production or harvesting~~
12 ~~of crawfish. The person who purchases the exempt items shall claim the exemption~~
13 ~~by executing a certificate at the time of purchase. The Department of Revenue shall~~
14 ~~provide the certificates to retail merchants. Any merchant who in good faith, and~~
15 ~~after examination of the applicability of the certificate to that purchase with due care,~~
16 ~~neglects or fails to collect the tax herein provided, due to the presentation by the~~
17 ~~purchaser of a tax exemption certificate issued by the Department of Revenue,~~
18 ~~including those issued pursuant to R.S. 47:305.10, shall not be liable for the payment~~
19 ~~of the tax.~~ The applicability of the exemption provided for in this Paragraph for
20 purposes of the sales and use tax imposed by any taxing authority other than the state
21 shall be phased-in as follows:

22 (i) For the period beginning October 1, 2017, and ending September 30,
23 2018, the exemption shall apply to twenty-five percent of the amount of the taxable
24 sale.

25 (ii) For the period beginning October 1, 2018, and ending September 30,
26 2019, the exemption shall apply to fifty percent of the amount of the taxable sale.

27 (ii) For the period beginning October 1, 2019, and ending September 30,
28 2020, the exemption shall apply to seventy-five percent of the taxable sale.

1 (iv) For taxable periods beginning on and after October 1, 2020, the
2 exemption shall apply to one hundred percent of the amount of the taxable sale.

3 ~~(6) Solely for purposes of the sales and use tax levied by the state, such tax~~
4 ~~shall not apply to the~~ (a) The sale or use of materials, supplies, equipment, fuel, bait,
5 and related items other than vessels used in the production or harvesting of catfish
6 shall be exempt from sales and use taxes imposed by the state or any other taxing
7 authority. The person who purchases the exempt items shall claim the exemption by
8 executing a certificate at the time of purchase. The Department of Revenue shall
9 provide the certificates to retail merchants. Any merchant who in good faith, and
10 after examination of the applicability of the certificate to that purchase with due care,
11 neglects or fails to collect the tax herein provided, due to the presentation by the
12 purchaser of a tax exemption certificate issued by the Department of Revenue, shall
13 not be liable for the payment of the tax.

14 (b) The applicability of the exemption provided for in this Paragraph from
15 the sales and use tax imposed by any taxing authority other than the state shall be
16 phased-in as follows:

17 (i) For the period beginning October 1, 2017, and ending September 30,
18 2018, the exemption shall apply to twenty-five percent of the amount of the taxable
19 sale.

20 (ii) For the period beginning October 1, 2018, and ending September 30,
21 2019, the exemption shall apply to fifty percent of the amount of the taxable sale.

22 (iii) For the period beginning October 1, 2019, and ending September 30,
23 2020, the exemption shall apply to seventy-five percent of the taxable sale.

24 (iv) For taxable periods beginning on and after October 1, 2020, the
25 exemption shall apply to one hundred percent of the amount of the taxable sale.

26 * * *

27 D.(1) The sale at retail, the use, the consumption, the distribution, and the
28 storage to be used or consumed in the taxing jurisdiction of the following tangible

1 personal property is hereby specifically exempted from the tax imposed by taxing
2 authorities, except as otherwise provided in this Paragraph:

3 * * *

4 (k)(i) ~~Solely for purposes of the state sales and use tax, orthotic, Orthotics,~~
5 including prescription eyeglasses and contact lenses, and prosthetic devices and
6 wheelchairs and wheelchair lifts prescribed by physicians, optometrists or licensed
7 chiropractors for personal consumption or use.

8 (ii) ~~Solely for purposes of the sales and use tax of political subdivisions, the~~
9 ~~sale to, or the purchase by, an individual or by a medical service provider such as a~~
10 ~~physician, clinic, surgical center, or other healthcare facility of a prosthetic device~~
11 ~~which is sold or purchased with the intention of being personally used or consumed~~
12 ~~by individuals pursuant to a prescription by a physician when the individual is~~
13 ~~covered by the state of Louisiana Medicaid insurance program or a Medicaid~~
14 ~~insurance program administered by a third party on behalf of the state of Louisiana.~~

15 The applicability of the exemption provided for in this Subparagraph for purposes
16 of the sales and use tax imposed by any taxing authority other than the state shall be
17 phased-in as follows:

18 (aa) For the period beginning October 1, 2017, and ending September 30,
19 2018, the exemption shall apply to twenty-five percent of the amount of the taxable
20 sale.

21 (bb) For the period beginning October 1, 2018, and ending September 30,
22 2019, the exemption shall apply to fifty percent of the amount of the taxable sale.

23 (cc) For the period beginning October 1, 2019, and ending September 30,
24 2020, the exemption shall apply to seventy-five percent of the taxable sale.

25 (dd) For taxable periods beginning on and after October 1, 2020, the
26 exemption shall apply to one hundred percent of the amount of the taxable sale.

27 (l) ~~Solely for purposes of the state sales and use tax, the~~ (i) The sale or
28 purchase of any ostomy, ileostomy or colostomy device or any other appliance
29 including catheters or any related item which is required as the result of any surgical

1 procedure by which an artificial opening is created in the human body for the
2 elimination of natural waste.

3 (ii) The applicability of the exemption provided for in this Subparagraph for
4 purposes of the sales and use tax imposed by any taxing authority other than the state
5 shall be phased-in as follows:

6 (aa) For the period beginning October 1, 2017, and ending September 30,
7 2018, the exemption shall apply to twenty-five percent of the amount of the taxable
8 sale.

9 (bb) For the period beginning October 1, 2018, and ending September 30,
10 2019, the exemption shall apply to fifty percent of the amount of the taxable sale.

11 (cc) For the period beginning October 1, 2019, and ending September 30,
12 2020, the exemption shall apply to seventy-five percent of the taxable sale.

13 (dd) For taxable periods beginning on and after October 1, 2020, the
14 exemption shall apply to one hundred percent of the amount of the taxable sale.

15 ~~(m) Solely for purposes of the state sales and use tax, patient~~ (i) Patient aids
16 prescribed by a physician or a licensed chiropractor for home use.

17 (ii) The applicability of the exemption provided for in this Subparagraph for
18 purposes of the sales and use tax imposed by any taxing authority other than the state
19 shall be phased-in as follows:

20 (aa) For the period beginning October 1, 2017, and ending September 30,
21 2018, the exemption shall apply to twenty-five percent of the amount of the taxable
22 sale.

23 (bb) For the period beginning October 1, 2018, and ending September 30,
24 2019, the exemption shall apply to fifty percent of the amount of the taxable sale.

25 (cc) For the period beginning October 1, 2019, and ending September 30,
26 2020, the exemption shall apply to seventy-five percent of the taxable sale.

27 (dd) For taxable periods beginning on and after October 1, 2020, the
28 exemption shall apply to one hundred percent of the amount of the taxable sale.

29 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (s) ~~Solely for purposes of the state sales and use tax, any~~ (i) Any and all
2 medical devices used exclusively by the patient in the medical treatment of various
3 diseases or administered exclusively to the patient by a physician, nurse, or other
4 health care professional or health care facility in the medical treatment of various
5 diseases under the supervision of and prescribed by a licensed physician.

6 (ii) The applicability of the exemption provided for in this Subparagraph for
7 purposes of the sales and use tax imposed by any taxing authority other than the state
8 shall be phased-in as follows:

9 (aa) For the period beginning October 1, 2017, and ending September 30,
10 2018, the exemption shall apply to twenty-five percent of the amount of the taxable
11 sale.

12 (bb) For the period beginning October 1, 2018, and ending September 30,
13 2019, the exemption shall apply to fifty percent of the amount of the taxable sale.

14 (cc) For the period beginning October 1, 2019, and ending September 30,
15 2020, the exemption shall apply to seventy-five percent of the taxable sale.

16 (dd) For taxable periods beginning on and after October 1, 2020, the
17 exemption shall apply to one hundred percent of the amount of the taxable sale.

18 * * *

19 §305.20. Exclusions and exemptions; Louisiana commercial fishermen

20 A. (1) A Louisiana resident, domiciled in Louisiana, who possesses such
21 valid Louisiana commercial fishing license(s) as may be necessary for commercial
22 fishing ventures, including but not limited to a vessel license issued pursuant to R.S.
23 56:304, and who is an owner of a vessel operated primarily for the conduct of
24 commercial fishing as a trade or business and which the Louisiana Department of
25 Wildlife and Fisheries determines will be predominantly and principally used for
26 commercial fishing ventures and whose catch is for human consumption shall be
27 exempt from ~~state~~ sales, use, lease, and services taxes imposed by the state or any
28 other taxing authority as set forth in Subsection C of this Section. Possession of a
29 commercial fishing license issued by the Department of Wildlife and Fisheries shall

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscoured are additions.

1 not be used as the sole determination that a vessel will be used predominantly and
2 principally for commercial fishing ventures. This exemption shall also apply to
3 facilities which process the catch from owners of commercial fishing vessels for
4 which this exemption is granted when such vessels are owned by, or leased or
5 contracted exclusively to, the seafood processing facility.

6 (2) The applicability of the exemption provided for in this Section for
7 purposes of the sales and use tax imposed by any taxing authority other than the state
8 shall be phased-in as follows:

9 (a) For the period beginning October 1, 2017, and ending September 30,
10 2018, the exemption shall apply to twenty-five percent of the amount of the taxable
11 sale.

12 (b) For the period beginning October 1, 2018, and ending September 30,
13 2019, the exemption shall apply to fifty percent of the amount of the taxable sale.

14 (c) For the period beginning October 1, 2019, and ending September 30,
15 2020, the exemption shall apply to seventy-five percent of the taxable sale.

16 (d) For taxable periods beginning on and after October 1, 2020, the
17 exemption shall apply to one hundred percent of the amount of the taxable sale.

18 * * *

19 §305.25. Exclusions and exemptions; farm equipment

20 A. ~~The tax imposed by R.S. 47:302(A), 321(A), and 331(A) (1)~~ All taxes
21 imposed by the state or any other taxing authority with respect to the sale and use of
22 farm equipment shall apply only to that portion of the sale price in excess of fifty
23 thousand dollars for each item of farm equipment. The purchaser or his
24 representative shall provide on any exemption certificate required for this exemption
25 a certification that the purchaser is a farmer or is purchasing for an agricultural
26 facility. The department shall hold the purchaser responsible for any taxes due.

27 (2) The applicability of the exemption provided for in this Section for
28 purposes of the sales and use tax imposed by any taxing authority other than the state
29 shall be phased-in as follows:

1 (d) For taxable periods beginning on and after October 1, 2020, the
 2 exemption shall apply to one hundred percent of the amount of the taxable sale.

3 * * *

4 §305.50. Exemption; vehicles used in interstate commerce; rail rolling stock;
 5 railroad ties

6 * * *

7 E.

8 * * *

9 (2)(a) The sales and use tax imposed by the state of Louisiana or statewide
 10 taxing authorities or any other taxing authority shall not apply to parts or services
 11 used in the fabrication, modification, or repair of rail rolling stock. A political
 12 subdivision may, by ordinance, provide that sales and use tax imposed by the
 13 political subdivision shall not apply to parts or service used in the fabrication,
 14 modification, or repair of rail rolling stock.

15 (b) The applicability of the exclusion provided for in this Subsubitem for
 16 purposes of the sales and use tax imposed by any taxing authority other than the state
 17 shall be phased-in as follows:

18 (i) For the period beginning October 1, 2017, and ending September 30,
 19 2018, the exclusion shall apply to twenty-five percent of the amount of the taxable
 20 sale.

21 (ii) For the period beginning October 1, 2018, and ending September 30,
 22 2019, the exclusion shall apply to fifty percent of the amount of the taxable sale.

23 (iii) For the period beginning October 1, 2019, and ending September 30,
 24 2020, the exclusion shall apply to seventy-five percent of the taxable sale.

25 (iv) For taxable periods beginning on and after October 1, 2020, the
 26 exclusion shall apply to one hundred percent of the amount of the taxable sale.

27 * * *

1 §305.63. Exemption; commercial farm irrigation equipment

2 A. The sales and use tax imposed ~~by the state of Louisiana and its political~~
3 ~~subdivisions whose boundaries are coterminous with those of the state~~ by the state
4 or any other taxing authority shall not apply to the sale of polyroll tubing sold or
5 used for commercial farm irrigation.

6 B. The applicability of the exemption provided for in this Section for
7 purposes of the sales and use tax imposed by any taxing authority other than the state
8 shall be phased-in as follows:

9 (1) For the period beginning October 1, 2017, and ending September 30,
10 2018, the exemption shall apply to twenty-five percent of the amount of the taxable
11 sale.

12 (2) For the period beginning October 1, 2018, and ending September 30,
13 2019, the exemption shall apply to fifty percent of the amount of the taxable sale.

14 (3) For the period beginning October 1, 2019, and ending September 30,
15 2020, the exemption shall apply to seventy-five percent of the taxable sale.

16 (4) For taxable periods beginning on and after October 1, 2020, the
17 exemption shall apply to one hundred percent of the amount of the taxable sale.

18 §305.64. Exemption; qualifying radiation therapy treatment centers

19 A.(1)(a) The sales and use tax imposed by the state ~~of Louisiana~~ or any other
20 taxing authority shall not apply to the amount paid by qualifying radiation therapy
21 treatment centers for the purchase, lease, or repair of capital equipment and the
22 purchase, lease, or repair of software used to operate capital equipment. ~~Any~~
23 ~~political subdivision of this state, including parishes and municipalities, may elect~~
24 ~~to grant a sales and use tax exemption for the amount paid by qualifying radiation~~
25 ~~therapy treatment centers for the purchase, lease, or repair of capital equipment and~~
26 ~~the purchase, lease, or repair of software used to operate capital equipment.~~

27 (b) The applicability of the exemption provided for in this Paragraph for
28 purposes of the sales and use tax imposed by any taxing authority other than the state
29 shall be phased-in as follows:

1 (1) For the period beginning October 1, 2017, and ending September 30,
2 2018, the exemption shall apply to twenty-five percent of the amount of the taxable
3 sale.

4 (2) For the period beginning October 1, 2018, and ending September 30,
5 2019, the exemption shall apply to fifty percent of the amount of the taxable sale.

6 (3) For the period beginning October 1, 2019, and ending September 30,
7 2020, the exemption shall apply to seventy-five percent of the taxable sale.

8 (4) For taxable periods beginning on and after October 1, 2020, the
9 exemption shall apply to one hundred percent of the amount of the taxable sale.

10 * * *

11 §305.72. Exemption; machinery and equipment purchased by the owner of a radio
12 or television station

13 A. Machinery and equipment purchased by the owner of a radio or television
14 station located within the state that is licensed by the Federal Communications
15 Commission for radio or television broadcasting shall be exempt from the sales and
16 use taxes imposed by the state or any other taxing authority if the equipment is
17 mandated to maintain a license with the Federal Communications Commission. For
18 purposes of this Section, "radio broadcasting" means the sound transmission made
19 via electromagnetic waves for direct sound reception by the general public.

20 B. The applicability of the exemption provided for in this Paragraph for
21 purposes of the sales and use tax imposed by any taxing authority other than the state
22 shall be phased-in as follows:

23 (1) For the period beginning October 1, 2017, and ending September 30,
24 2018, the exemption shall apply to twenty-five percent of the amount of the taxable
25 sale.

26 (2) For the period beginning October 1, 2018, and ending September 30,
27 2019, the exemption shall apply to fifty percent of the amount of the taxable sale.

1 (3) For the period beginning October 1, 2019, and ending September 30,
 2 2020, the exemption shall apply to seventy-five percent of the taxable sale.

3 (4) For taxable periods beginning on and after October 1, 2020, the
 4 exemption shall apply to one hundred percent of the amount of the taxable sale.

5 Section 2. R.S. 47:301(16)(n), 305.20(G), 305.25(C), 305.37(B), and 337.10(D), (J),
 6 (N), and (O) are hereby repealed in their entirety.

7 Section 3. This Act shall take effect on October 1, 2017, and become operative if
 8 either of the Acts which originated as House Bill Nos. 562 or 559 of this 2017 Regular
 9 Session of the Legislature is enacted and becomes effective.

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 668 Engrossed

2017 Regular Session

Stokes

Abstract: Extends applicability of various state sales and use tax exclusions and exemptions to sales and use taxes imposed by local and other taxing authorities.

Proposed law extends applicability of various state sales and use tax exemptions to the taxes imposed by taxing authorities other than the state, with the application phased in over four years, beginning Oct. 1, 2017, when the exemptions would be applicable to 25% of the sale, and with 100% of the sale to be exempt starting Oct. 1, 2020. The following exclusions and exemptions would be subject to the phased in implementation.

Present law establishes an exclusion from state sales and use taxes for machinery and equipment purchased by the owner of a radio station located within La. that is licensed by the Federal Communications Commission for radio broadcasting, if the owner meets certain requirements concerning business ownership and payroll in La.

Proposed law changes present law by extending applicability of the exemption for machinery and equipment purchased by the owner of a radio station to taxes imposed by any other taxing authority.

Proposed law repeals present law requirements concerning radio station ownership domicile and payroll, and requires instead that the machinery and equipment be necessary to maintain a license with the FCC. Proposed law further extends the exemption to machinery and equipment purchased by the owner of a television station.

Present law establishes an exemption from state sales and use taxes for the gross proceeds derived from the sale of livestock at public sales sponsored by breeders' or registry associations or livestock auction markets.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for sales of livestock to taxes imposed by any other taxing authority.

Present law establishes an exclusion from state sales and use taxes for the sale or use of bait, feed, materials, supplies, equipment, fuel, and related items other than vessels used in the production or harvesting of crawfish.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for the sale of bait, feed, materials, supplies, equipment, fuel, and related items used in the production or harvesting of crawfish to the taxes imposed by any other taxing authority.

Present law establishes an exclusion from state sales and use taxes for the sale or use of bait, feed, materials, supplies, equipment, fuel, and related items other than vessels used in the production or harvesting of catfish.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for the sale of bait, feed, materials, supplies, equipment, fuel, and related items used in the production or harvesting of crawfish to the taxes imposed by any other taxing authority.

Present law establishes an exemption from state sales and use taxes for the sale of orthotics, including prescription eyeglasses and contact lenses, and prosthetic devices and wheelchairs and wheelchair lifts prescribed by physicians, optometrists or licensed chiropractors for personal consumption or use.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for the sale of orthotics to taxes imposed by any other taxing authority.

Present law establishes an exemption from state sales and use taxes for the sale of ostomy, ileostomy or colostomy devices or any other appliance including catheters or any related item which is required as the result of any surgical procedure by which an artificial opening is created in the human body for the elimination of natural waste.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for the sale of ostomy and related supplies to taxes imposed by any other taxing authority.

Present law establishes an exemption from state sales and use taxes for the sale of patient aids prescribed by a physician or a licensed chiropractor for home use.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for the sale of patient aids to taxes imposed by any other taxing authority.

Present law establishes an exemption from state sales and use taxes for the sale of medical devices used exclusively by the patient in the medical treatment of various diseases or administered exclusively to the patient by a physician, nurse, or other health care professional or health care facility in the medical treatment of various diseases under the supervision of and prescribed by a licensed physician.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for the sale of medical devices to taxes imposed by any other taxing authority.

Present law establishes an exemption from state sales and use taxes for the sale of supplies, equipment, materials, repairs, and vessels used by commercial fishermen or a seafood processor who processes the catch of such a fisherman. Present law authorizes a local option for adoption of the exemption by local taxing authorities.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for the sale of supplies, equipment, and services for the vessel of a commercial fisherman or seafood processor to taxes imposed by any other taxing authority. Proposed law repeals the local option provision.

Present law establishes an exemption from state sales and use taxes the first \$50,000 of the sales price for farm equipment including tractors, cane harvesters, cane loaders, cotton pickers, combines, haybalers, attachments, sprayers, clippers, cultivators, discs, plows, spreaders, irrigation wells, drives, motors, and other equipment and farm facilities used for the production of food and fiber or for the storage of grain or any materials used to construct such structures on a farm facility.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for the sale of a variety of farm implements, equipment, and facilities to taxes imposed by any other taxing authority.

Present law establishes an exemption from state sales and use taxes for the sale of diesel fuel, butane, propane, or other liquefied petroleum gases used for farm purposes. Present law authorizes a local option for adoption of the exemption by local taxing authorities.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for the sale of fuel for farm purposes to taxes imposed by any other taxing authority. Proposed law repeals the local option provision.

Present law establishes an exemption from state sales and use taxes for the sale of polyroll tubing sold or used for commercial farm irrigation.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for the sale of polyroll tubing to taxes imposed by any other taxing authority.

Present law establishes an exemption from state sales and use taxes for sales to a qualifying radiation therapy treatment center for the purchase, lease, or repair of capital equipment and the purchase, lease, or repair of software used to operate capital equipment. Present law authorizes a local option for adoption of the exemption by local taxing authorities.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for purchases by a qualifying radiation therapy center to taxes imposed by any other taxing authority. Proposed law repeals the local option provision.

Present law establishes an exclusion from state sales and use tax, and sales and use taxes imposed in East Feliciana Parish, for repair services on property to be delivered outside of the state. Present law authorizes a local option for adoption of the exemption by local taxing authorities.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for purchases by a qualifying radiation therapy center to taxes imposed by any other taxing authority. Proposed law repeals the specific provision for East Feliciana Parish.

Present law establishes an exemption from state sales and use tax for parts and services used in the fabrication and repair of rail rolling stock. Present law authorizes a local option for adoption of the exemption by local taxing authorities.

Proposed law retains present law for purposes of state sales and use tax, and changes present law by extending applicability of the exemption for parts and services used in the fabrication and repair of rail rolling stock to taxes imposed by any other taxing authority. Proposed law repeals the local option provision.

Effective Oct. 1, 2017, if House Bill No. 562 or 559 of this 2017 R.S. is enacted and becomes effective.

(Amends R.S. 47:301(14)(g)(i)(bb)(I), 305(A)(2), (5), and (6), and (D)(1)(k)-(m) and (s), 305.20(A), 305.25(A)(intro. para.) and (B), 305.37(A), 305.50(E)(2), 305.63, and 305.64(A)(1); Adds R.S. 47:305.72; Repeals R.S. 47:301(16)(n), 305.20(G), 305.25(C), 305.37(B), and 337.10(D), (J), (N), and (O))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Adds extension of the state sales and use tax exclusion for repair services to property that will be delivered outside of La. to the taxes imposed by any other taxing authority.
2. Adds extension of the state sales and use tax exclusion for repair services to property that will be delivered outside of La. to the taxes imposed by any other taxing authority.
3. Adds effectiveness contingency for proposed law based on enactment and effectiveness of HB Nos. 559 or 562.