

By: Senator(s) Harvey

To: Finance

SENATE BILL NO. 3093

1 AN ACT TO AMEND SECTION 27-65-105, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT FROM SALES TAXATION SALES OF CERTAIN HOME MEDICAL
3 EQUIPMENT AND HOME MEDICAL SUPPLIES WHEN PAYMENT FOR SUCH
4 EQUIPMENT AND SUPPLIES IS MADE BY MEDICARE OR MEDICAID OR BY A
5 PROVIDER UNDER CONTRACT WITH MEDICARE OR MEDICAID; AND FOR RELATED
6 PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. Section 27-65-105, Mississippi Code of 1972, is
9 amended as follows:

10 27-65-105. The exemption from the provisions of this chapter
11 which are of a governmental nature or which are more properly
12 classified as governmental exemptions than any other exemption
13 classification of this chapter shall be confined to those persons
14 or property exempted by this section or by provisions of the
15 Constitutions of the United States or the State of Mississippi.
16 No governmental exemption as now provided by any other section
17 shall be valid as against the tax herein levied. Any subsequent
18 governmental exemption from the tax levied hereunder shall be
19 provided by amendment to this section.

20 No exemption provided in this section shall apply to taxes
21 levied by Section 27-65-15 or 27-65-21, Mississippi Code of 1972,
22 except as provided by subsection (f) of this section.

23 The tax levied by this chapter shall not apply to the
24 following:

25 (a) Sales of property, labor or services taxable under
26 Sections 27-65-17, 27-65-19 and 27-65-23, when sold to and billed
27 directly to and payment therefor is made directly by the United
28 States government, the State of Mississippi and its departments,

29 institutions, counties and municipalities or departments or school
30 districts of said counties and municipalities.

31 The exemption from the tax imposed under this chapter shall
32 not apply to sales of tangible personal property, labor or
33 services to contractors purchasing in the performance of contracts
34 with the United States, the State of Mississippi, counties and
35 municipalities.

36 (b) Sales to schools, when such schools are supported
37 wholly or in part by funds provided by the State of Mississippi,
38 provided that this exemption does not apply to sales of property
39 which is not to be used in the ordinary operation of the school,
40 or which is to be resold to the students or the public.

41 (c) Amounts received from the sale of school textbooks
42 to students.

43 (d) Sales to the Mississippi Band of Choctaw Indians,
44 but not to Indians individually.

45 (e) Sales of fire fighting equipment to governmental
46 fire departments or volunteer fire departments for their use.

47 (f) Sales of any gas from any project, as defined in
48 the Municipal Gas Authority of Mississippi Law, to any
49 municipality shall not be subject to sales, use or other tax.

50 (g) Sales of home medical equipment and home medical
51 supplies listed as eligible for payment under Title XVIII of the
52 Social Security Act or under the state plan for medical assistance
53 under Title XIX of the Social Security Act, prosthetics,
54 orthotics, prescription eyeglasses, oxygen and oxygen equipment,
55 when ordered or prescribed by a licensed physician for medical
56 purposes of a patient, and when payment for such equipment or
57 supplies, or both, is made by Medicare or Medicaid or by a
58 provider under contract with Medicare or Medicaid.

59 SECTION 2. Nothing in this act shall affect or defeat any
60 claim, assessment, appeal, suit, right or cause of action for
61 taxes due or accrued under the sales tax laws before the date on
62 which this act becomes effective, whether such claims,
63 assessments, appeals, suits or actions have been begun before the
64 date on which this act becomes effective or are begun thereafter;
65 and the provisions of the sales tax laws are expressly continued

66 in full force, effect and operation for the purpose of the
67 assessment, collection and enrollment of liens for any taxes due
68 or accrued and the execution of any warrant under such laws before
69 the date on which this act becomes effective, and for the
70 imposition of any penalties, forfeitures or claims for failure to
71 comply with such laws.

72 SECTION 3. This act shall take effect and be in force from
73 and after July 1, 1999.