

By: Representative Gunn

To: Ways and Means

HOUSE BILL NO. 1404

1 AN ACT TO AMEND SECTION 27-65-111, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT FROM SALES TAXATION RETAIL SALES OF FIREARMS, AMMUNITION
3 AND HUNTING SUPPLIES WHEN SOLD DURING THE ANNUAL MISSISSIPPI
4 SECOND AMENDMENT WEEKEND HOLIDAY BEGINNING AT 12:01 A.M. ON THE
5 FIRST FRIDAY IN SEPTEMBER AND ENDING AT 12:00 MIDNIGHT ON THE
6 FOLLOWING SUNDAY; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 27-65-111, Mississippi Code of 1972, is
9 amended as follows:

10 27-65-111. The exemptions from the provisions of this
11 chapter which are not industrial, agricultural or governmental, or
12 which do not relate to utilities or taxes, or which are not
13 properly classified as one (1) of the exemption classifications of
14 this chapter, shall be confined to persons or property exempted by
15 this section or by the Constitution of the United States or the
16 State of Mississippi. No exemptions as now provided by any other
17 section, except the classified exemption sections of this chapter
18 set forth herein, shall be valid as against the tax herein levied.
19 Any subsequent exemption from the tax levied hereunder, except as
20 indicated above, shall be provided by amendments to this section.



21 No exemption provided in this section shall apply to taxes
22 levied by Section 27-65-15 or 27-65-21, Mississippi Code of 1972.

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

25 (a) Sales of tangible personal property and services to
26 hospitals or infirmaries owned and operated by a corporation or
27 association in which no part of the net earnings inures to the
28 benefit of any private shareholder, group or individual, and which
29 are subject to and governed by Sections 41-7-123 through 41-7-127.

30 Only sales of tangible personal property or services which
31 are ordinary and necessary to the operation of such hospitals and
32 infirmaries are exempted from tax.

33 (b) Sales of daily or weekly newspapers, and
34 periodicals or publications of scientific, literary or educational
35 organizations exempt from federal income taxation under Section
36 501(c)(3) of the Internal Revenue Code of 1954, as it exists as of
37 March 31, 1975, and subscription sales of all magazines.

38 (c) Sales of coffins, caskets and other materials used
39 in the preparation of human bodies for burial.

40 (d) Sales of tangible personal property for immediate
41 export to a foreign country.

42 (e) Sales of tangible personal property to an
43 orphanage, old men's or ladies' home, supported wholly or in part
44 by a religious denomination, fraternal nonprofit organization or
45 other nonprofit organization.



46 (f) Sales of tangible personal property, labor or
47 services taxable under Sections 27-65-17, 27-65-19 and 27-65-23,
48 to a YMCA, YWCA, a Boys' or Girls' Club owned and operated by a
49 corporation or association in which no part of the net earnings
50 inures to the benefit of any private shareholder, group or
51 individual.

52 (g) Sales to elementary and secondary grade schools,
53 junior and senior colleges owned and operated by a corporation or
54 association in which no part of the net earnings inures to the
55 benefit of any private shareholder, group or individual, and which
56 are exempt from state income taxation, provided that this
57 exemption does not apply to sales of property or services which
58 are not to be used in the ordinary operation of the school, or
59 which are to be resold to the students or the public.

60 (h) The gross proceeds of retail sales and the use or
61 consumption in this state of drugs and medicines:

62 (i) Prescribed for the treatment of a human being
63 by a person authorized to prescribe the medicines, and dispensed
64 or prescription filled by a registered pharmacist in accordance
65 with law; or

66 (ii) Furnished by a licensed physician, surgeon,
67 dentist or podiatrist to his own patient for treatment of the
68 patient; or



69 (iii) Furnished by a hospital for treatment of any
70 person pursuant to the order of a licensed physician, surgeon,
71 dentist or podiatrist; or

72 (iv) Sold to a licensed physician, surgeon,
73 podiatrist, dentist or hospital for the treatment of a human
74 being; or

75 (v) Sold to this state or any political
76 subdivision or municipal corporation thereof, for use in the
77 treatment of a human being or furnished for the treatment of a
78 human being by a medical facility or clinic maintained by this
79 state or any political subdivision or municipal corporation
80 thereof.

81 "Medicines," as used in this paragraph (h), shall mean and
82 include any substance or preparation intended for use by external
83 or internal application to the human body in the diagnosis, cure,
84 mitigation, treatment or prevention of disease and which is
85 commonly recognized as a substance or preparation intended for
86 such use; provided that "medicines" do not include any auditory,
87 prosthetic, ophthalmic or ocular device or appliance, any dentures
88 or parts thereof or any artificial limbs or their replacement
89 parts, articles which are in the nature of splints, bandages,
90 pads, compresses, supports, dressings, instruments, apparatus,
91 contrivances, appliances, devices or other mechanical, electronic,
92 optical or physical equipment or article or the component parts



93 and accessories thereof, or any alcoholic beverage or any other
94 drug or medicine not commonly referred to as a prescription drug.

95 Notwithstanding the preceding sentence of this paragraph (h),
96 "medicines" as used in this paragraph (h), shall mean and include
97 sutures, whether or not permanently implanted, bone screws, bone
98 pins, pacemakers and other articles permanently implanted in the
99 human body to assist the functioning of any natural organ, artery,
100 vein or limb and which remain or dissolve in the body.

101 "Hospital," as used in this paragraph (h), shall have the
102 meaning ascribed to it in Section 41-9-3, Mississippi Code of
103 1972.

104 Insulin furnished by a registered pharmacist to a person for
105 treatment of diabetes as directed by a physician shall be deemed
106 to be dispensed on prescription within the meaning of this
107 paragraph (h).

108 (i) Retail sales of automobiles, trucks and
109 truck-tractors if exported from this state within forty-eight (48)
110 hours and registered and first used in another state.

111 (j) Sales of tangible personal property or services to
112 the Salvation Army and the Muscular Dystrophy Association, Inc.

113 (k) From July 1, 1985, through December 31, 1992,
114 retail sales of "alcohol blended fuel" as such term is defined in
115 Section 75-55-5. The gasoline-alcohol blend or the straight
116 alcohol eligible for this exemption shall not contain alcohol
117 distilled outside the State of Mississippi.



(l) Sales of tangible personal property or services to the Institute for Technology Development.

(m) The gross proceeds of retail sales of food and drink for human consumption made through vending machines serviced by full line vendors from and not connected with other taxable businesses.

(n) The gross proceeds of sales of motor fuel.

(o) Retail sales of food for human consumption purchased with food stamps issued by the United States Department of Agriculture, or other federal agency, from and after October 1, 1987, or from and after the expiration of any waiver granted pursuant to federal law, the effect of which waiver is to permit the collection by the state of tax on such retail sales of food for human consumption purchased with food stamps.

(p) Sales of cookies for human consumption by the Girl Scouts of America no part of the net earnings from which sales inures to the benefit of any private group or individual.

(q) Gifts or sales of tangible personal property or services to public or private nonprofit museums of art.

(r) Sales of tangible personal property or services to alumni associations of state-supported colleges or universities.

(s) Sales of tangible personal property or services to chapters of the National Association of Junior Auxiliaries, Inc.



(t) Sales of tangible personal property or services to domestic violence shelters which qualify for state funding under Sections 93-21-101 through 93-21-113.

(u) Sales of tangible personal property or services to the National Multiple Sclerosis Society, Mississippi Chapter.

(v) Retail sales of food for human consumption purchased with food instruments issued the Mississippi Band of Choctaw Indians under the Women, Infants and Children Program (WIC) funded by the United States Department of Agriculture.

(w) Sales of tangible personal property or services to a private company, as defined in Section 57-61-5, which is making such purchases with proceeds of bonds issued under Section 57-61-1 et seq., the Mississippi Business Investment Act.

(x) The gross collections from the operation of self-service, coin-operated car washing equipment and sales of the service of washing motor vehicles with portable high-pressure washing equipment on the premises of the customer.

(y) Sales of tangible personal property or services to the Mississippi Technology Alliance.

(z) Sales of tangible personal property to nonprofit organizations that provide foster care, adoption services and temporary housing for unwed mothers and their children if the organization is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.



165 (aa) Sales of tangible personal property to nonprofit
166 organizations that provide residential rehabilitation for persons
167 with alcohol and drug dependencies if the organization is exempt
168 from federal income taxation under Section 501(c)(3) of the
169 Internal Revenue Code.

170 (bb) Retail sales of an article of clothing or footwear
171 designed to be worn on or about the human body if the sales price
172 of the article is less than One Hundred Dollars (\$100.00) and the
173 sale takes place during a period beginning at 12:01 a.m. on the
174 last Friday in July and ending at 12:00 midnight the following
175 Saturday. This paragraph (bb) shall not apply to:

176 (i) Accessories including jewelry, handbags,
177 luggage, umbrellas, wallets, watches, backpacks, briefcases,
178 garment bags and similar items carried on or about the human body,
179 without regard to whether worn on the body in a manner
180 characteristic of clothing;

181 (ii) The rental of clothing or footwear; and

182 (iii) Skis, swim fins, roller blades, skates and
183 similar items worn on the foot.

184 From and after January 1, 2010, the governing authorities of
185 a municipality, for retail sales occurring within the corporate
186 limits of the municipality, may suspend the application of the
187 exemption provided for in this paragraph (bb) by adoption of a
188 resolution to that effect stating the date upon which the
189 suspension shall take effect. A certified copy of the resolution



shall be furnished to the Department of Revenue at least ninety (90) days prior to the date upon which the municipality desires such suspension to take effect.

(cc) The gross proceeds of sales of tangible personal property made for the sole purpose of raising funds for a school or an organization affiliated with a school.

As used in this paragraph (cc), "school" means any public or private school that teaches courses of instruction to students in any grade from Kindergarten through Grade 12.

(dd) Sales of durable medical equipment and home medical supplies when ordered or prescribed by a licensed physician for medical purposes of a patient, and when payment for the equipment or supplies is made, in part or in whole, on behalf of or for the benefit of an insured as a covered benefit under an insurance policy, contract or plan. As used in this paragraph (dd), "durable medical equipment" means equipment, including repair and replacement parts for the equipment, which:

- (i) Can withstand repeated use;
- (ii) Is primarily and customarily used to serve a medical purpose;
- (iii) Generally is not useful to a person in the absence of illness or injury; and
- (iv) Is not worn in or on the body.

(ee) Sales of tangible personal property or services to Mississippi Blood Services.



215 (ff) (i) Subject to the provisions of this paragraph
216 (ff), retail sales of firearms, ammunition and hunting supplies if
217 sold during the annual Mississippi Second Amendment Weekend
218 holiday beginning at 12:01 a.m. on the first Friday in September
219 and ending at 12:00 midnight the following Sunday. For the
220 purposes of this paragraph (ff), "hunting supplies" means tangible
221 personal property used for hunting, including, but not limited to,
222 archery equipment, accessories, animal feed, apparel, shoes, bags,
223 float tubes, binoculars, tools, firearm and archery cases, firearm
224 and archery accessories, range finders, knives, decoys, tree
225 stands, blinds, chairs, optics, hearing protection and
226 enhancements, holsters, belts, slings, and off-road vehicles and
227 vessels such as all-terrain vehicles, airboats and pirogues.
228 Hunting supplies does not include animals used for hunting.

229 (ii) This paragraph (ff) shall apply only if one
230 or more of the following occur:

231 1. Title to and/or possession of an eligible
232 item is transferred from a seller to a purchaser;

233 2. A purchaser selects an eligible item from
234 the seller's inventory for layaway that is physically set aside in
235 the seller's inventory for future delivery to the purchaser;

236 3. A purchaser makes final payment and
237 withdraws an item from layaway regardless of when the item was
238 placed on layaway; and/or



239 4. A purchaser orders and pays for an
240 eligible item and the seller accepts the order for immediate
241 shipment, even if delivery is made after the time period provided
242 in subparagraph (i) of this paragraph (ff), provided that the
243 purchaser has not requested or caused the delay in shipment.

244 **SECTION 2.** This act shall take effect and be in force from
245 and after July 1, 2014.

