

By: Senator(s) Michel, Moran, Massey,  
Watson, Gollott, Carter, Blackwell, Doty,  
Parks, Hill, Younger

To: Finance

SENATE BILL NO. 2955  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 27-65-111, MISSISSIPPI CODE OF 1972,  
2 TO EXEMPT FROM SALES TAXATION SALES OF TANGIBLE PERSONAL PROPERTY  
3 OR SERVICES TO THE JUNIOR LEAGUE OF JACKSON; TO EXEMPT FROM SALES  
4 TAXATION THE RETAIL SALES OF CERTAIN SCHOOL SUPPLIES DURING A  
5 PERIOD BEGINNING AT 12:01 A.M. ON THE LAST FRIDAY IN JULY AND  
6 ENDING AT 12:00 MIDNIGHT THE FOLLOWING SATURDAY; TO EXEMPT FROM  
7 SALES TAXATION SALES OF TANGIBLE PERSONAL PROPERTY AND SERVICES TO  
8 THE MISSISSIPPI'S TOUGHEST KIDS FOUNDATION FOR USE SOLELY IN THE  
9 CONSTRUCTION, FURNISHING AND EQUIPPING OF BUILDINGS AND RELATED  
10 FACILITIES AND INFRASTRUCTURE AT CAMP KAMASSA IN COPIAH COUNTY,  
11 MISSISSIPPI; TO EXEMPT FROM SALES TAXATION SALES OF TANGIBLE  
12 PERSONAL PROPERTY AND SERVICES TO MS GULF COAST BUDDY SPORTS,  
13 INC.; TO EXEMPT FROM SALES TAXATION SALES OF TANGIBLE PERSONAL  
14 PROPERTY AND SERVICES TO BILOXI LIONS, INC.; TO EXEMPT FROM SALES  
15 TAXATION SALES OF TANGIBLE PERSONAL PROPERTY AND SERVICES TO LIONS  
16 SIGHT FOUNDATION OF MISSISSIPPI, INC.; TO EXEMPT FROM SALES  
17 TAXATION SALES OF TANGIBLE PERSONAL PROPERTY AND SERVICES TO THE  
18 GOLDRING/WOLDENBERG INSTITUTE OF SOUTHERN JEWISH LIFE (ISJL); AND  
19 FOR RELATED PURPOSES.

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

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

23 27-65-111. The exemptions from the provisions of this  
24 chapter which are not industrial, agricultural or governmental, or  
25 which do not relate to utilities or taxes, or which are not  
26 properly classified as one (1) of the exemption classifications of



27 this chapter, shall be confined to persons or property exempted by  
28 this section or by the Constitution of the United States or the  
29 State of Mississippi. No exemptions as now provided by any other  
30 section, except the classified exemption sections of this chapter  
31 set forth herein, shall be valid as against the tax herein levied.  
32 Any subsequent exemption from the tax levied hereunder, except as  
33 indicated above, shall be provided by amendments to this section.

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

36 The tax levied by this chapter shall not apply to the  
37 following:

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

43 Only sales of tangible personal property or services which  
44 are ordinary and necessary to the operation of such hospitals and  
45 infirmaries are exempted from tax.

46 (b) Sales of daily or weekly newspapers, and  
47 periodicals or publications of scientific, literary or educational  
48 organizations exempt from federal income taxation under Section  
49 501(c) (3) of the Internal Revenue Code of 1954, as it exists as of  
50 March 31, 1975, and subscription sales of all magazines.



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

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

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

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

65 (g) Sales to elementary and secondary grade schools,  
66 junior and senior colleges owned and operated by a corporation or  
67 association in which no part of the net earnings inures to the  
68 benefit of any private shareholder, group or individual, and which  
69 are exempt from state income taxation, provided that this  
70 exemption does not apply to sales of property or services which  
71 are not to be used in the ordinary operation of the school, or  
72 which are to be resold to the students or the public.

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



75 (i) Prescribed for the treatment of a human being  
76 by a person authorized to prescribe the medicines, and dispensed  
77 or prescription filled by a registered pharmacist in accordance  
78 with law; or

79 (ii) Furnished by a licensed physician, surgeon,  
80 dentist or podiatrist to his own patient for treatment of the  
81 patient; or

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

85 (iv) Sold to a licensed physician, surgeon,  
86 podiatrist, dentist or hospital for the treatment of a human  
87 being; or

88 (v) Sold to this state or any political  
89 subdivision or municipal corporation thereof, for use in the  
90 treatment of a human being or furnished for the treatment of a  
91 human being by a medical facility or clinic maintained by this  
92 state or any political subdivision or municipal corporation  
93 thereof.

94 "Medicines," as used in this paragraph (h), shall mean and  
95 include any substance or preparation intended for use by external  
96 or internal application to the human body in the diagnosis, cure,  
97 mitigation, treatment or prevention of disease and which is  
98 commonly recognized as a substance or preparation intended for  
99 such use; provided that "medicines" do not include any auditory,



100 prosthetic, ophthalmic or ocular device or appliance, any dentures  
101 or parts thereof or any artificial limbs or their replacement  
102 parts, articles which are in the nature of splints, bandages,  
103 pads, compresses, supports, dressings, instruments, apparatus,  
104 contrivances, appliances, devices or other mechanical, electronic,  
105 optical or physical equipment or article or the component parts  
106 and accessories thereof, or any alcoholic beverage or any other  
107 drug or medicine not commonly referred to as a prescription drug.

108       Notwithstanding the preceding sentence of this paragraph (h),  
109 "medicines" as used in this paragraph (h), shall mean and include  
110 sutures, whether or not permanently implanted, bone screws, bone  
111 pins, pacemakers and other articles permanently implanted in the  
112 human body to assist the functioning of any natural organ, artery,  
113 vein or limb and which remain or dissolve in the body.

114       "Hospital," as used in this paragraph (h), shall have the  
115 meaning ascribed to it in Section 41-9-3, Mississippi Code of  
116 1972.

117       Insulin furnished by a registered pharmacist to a person for  
118 treatment of diabetes as directed by a physician shall be deemed  
119 to be dispensed on prescription within the meaning of this  
120 paragraph (h).

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



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

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

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

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

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

138 (o) Retail sales of food for human consumption  
139 purchased with food stamps issued by the United States Department  
140 of Agriculture, or other federal agency, from and after October 1,  
141 1987, or from and after the expiration of any waiver granted  
142 pursuant to federal law, the effect of which waiver is to permit  
143 the collection by the state of tax on such retail sales of food  
144 for human consumption purchased with food stamps.

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



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

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

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

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

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

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

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

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



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

174 (z) Sales of tangible personal property to nonprofit  
175 organizations that provide foster care, adoption services and  
176 temporary housing for unwed mothers and their children if the  
177 organization is exempt from federal income taxation under Section  
178 501(c) (3) of the Internal Revenue Code.

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

184 (bb) (i) Retail sales of an article of clothing or  
185 footwear designed to be worn on or about the human body and retail  
186 sales of school supplies if the sales price of the article of  
187 clothing or footwear or school supply is less than One Hundred  
188 Dollars (\$100.00) and the sale takes place during a period  
189 beginning at 12:01 a.m. on the last Friday in July and ending at  
190 12:00 midnight the following Saturday. This paragraph (bb) shall  
191 not apply to:

192 \* \* \*1. Accessories including jewelry,  
193 handbags, luggage, umbrellas, wallets, watches, \* \* \* briefcases,  
194 garment bags and similar items carried on or about the human body,  
195 without regard to whether worn on the body in a manner  
196 characteristic of clothing;





197                   \* \* \*2. The rental of clothing or footwear;  
198 and

199                   \* \* \*3. Skis, swim fins, roller blades,  
200 skates and similar items worn on the foot.

201                   (ii) For purposes of this paragraph (bb), "school  
202 supplies" means items that are commonly used by a student in a  
203 course of study. The following is an all-inclusive list:

- 204                   1. Backpacks;
- 205                   2. Binder pockets;
- 206                   3. Binders;
- 207                   4. Blackboard chalk;
- 208                   5. Book bags;
- 209                   6. Calculators;
- 210                   7. Cellophane tape;
- 211                   8. Clays and glazes;
- 212                   9. Compasses;
- 213                   10. Composition books;
- 214                   11. Crayons;
- 215                   12. Dictionaries and thesauruses;
- 216                   13. Dividers;
- 217                   14. Erasers;
- 218                   15. Folders: expandable, pocket, plastic and  
219 manila;
- 220                   16. Glue, paste and paste sticks;
- 221                   17. Highlighters;



- 222                    18. Index card boxes;
- 223                    19. Index cards;
- 224                    20. Legal pads;
- 225                    21. Lunch boxes;
- 226                    22. Markers;
- 227                    23. Notebooks;
- 228                    24. Paintbrushes for artwork;
- 229                    25. Paints: acrylic, tempera and oil;
- 230                    26. Paper: loose-leaf ruled notebook paper,  
231 copy paper, graph paper, tracing paper, manila paper, colored  
232 paper, poster board and construction paper;
- 233                    27. Pencil boxes and other school supply  
234 boxes;
- 235                    28. Pencil sharpeners;
- 236                    29. Pencils;
- 237                    30. Pens;
- 238                    31. Protractors;
- 239                    32. Reference books;
- 240                    33. Reference maps and globes;
- 241                    34. Rulers;
- 242                    35. Scissors;
- 243                    36. Sheet music;
- 244                    37. Sketch and drawing pads;
- 245                    38. Textbooks;
- 246                    39. Watercolors;



247 40. Workbooks; and

248 41. Writing tablets.

249 (iii) From and after January 1, 2010, the  
250 governing authorities of a municipality, for retail sales  
251 occurring within the corporate limits of the municipality, may  
252 suspend the application of the exemption provided for in this  
253 paragraph (bb) by adoption of a resolution to that effect stating  
254 the date upon which the suspension shall take effect. A certified  
255 copy of the resolution shall be furnished to the Department of  
256 Revenue at least ninety (90) days prior to the date upon which the  
257 municipality desires such suspension to take effect.

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

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

264 (dd) Sales of durable medical equipment and home  
265 medical supplies when ordered or prescribed by a licensed  
266 physician for medical purposes of a patient. As used in this  
267 paragraph (dd), "durable medical equipment" and "home medical  
268 supplies" mean equipment, including repair and replacement parts  
269 for the equipment or supplies listed under Title XVIII of the  
270 Social Security Act or under the state plan for medical assistance  
271 under Title XIX of the Social Security Act, prosthetics,



272 orthotics, hearing aids, hearing devices, prescription eyeglasses,  
273 oxygen and oxygen equipment. Payment does not have to be made, in  
274 whole or in part, by any particular person to be eligible for this  
275 exemption. Purchases of home medical equipment and supplies by a  
276 provider of home health services or a provider of hospice services  
277 are eligible for this exemption if the purchases otherwise meet  
278 the requirements of this paragraph.

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

281 (ff) (i) Subject to the provisions of this paragraph  
282 (ff), retail sales of firearms, ammunition and hunting supplies if  
283 sold during the annual Mississippi Second Amendment Weekend  
284 holiday beginning at 12:01 a.m. on the last Friday in August and  
285 ending at 12:00 midnight the following Sunday. For the purposes  
286 of this paragraph (ff), "hunting supplies" means tangible personal  
287 property used for hunting, including, and limited to, archery  
288 equipment, firearm and archery cases, firearm and archery  
289 accessories, hearing protection, holsters, belts and slings.  
290 Hunting supplies does not include animals used for hunting.

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

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

295 2. A purchaser orders and pays for an  
296 eligible item and the seller accepts the order for immediate



297 shipment, even if delivery is made after the time period provided  
298 in subparagraph (i) of this paragraph (ff), provided that the  
299 purchaser has not requested or caused the delay in shipment.

300 (gg) Sales of nonperishable food items to charitable  
301 organizations that are exempt from federal income taxation under  
302 Section 501(c)(3) of the Internal Revenue Code and operate a food  
303 bank or food pantry or food lines.

304 (hh) Sales of tangible personal property or services to  
305 the United Way of the Pine Belt Region, Inc.

306 (ii) Sales of tangible personal property or services to  
307 the Mississippi Children's Museum or any subsidiary or affiliate  
308 thereof operating a satellite or branch museum within this state.

309 (jj) Sales of tangible personal property or services to  
310 the Jackson Zoological Park.

311 (kk) Sales of tangible personal property or services to  
312 the Hattiesburg Zoo.

313 (ll) Gross proceeds from sales of food, merchandise or  
314 other concessions at an event held solely for religious or  
315 charitable purposes at livestock facilities, agriculture  
316 facilities or other facilities constructed, renovated or expanded  
317 with funds for the grant program authorized under Section 18,  
318 Chapter 530, Laws of 1995.

319 (mm) Sales of tangible personal property and services  
320 to the Diabetes Foundation of Mississippi and the Mississippi  
321 Chapter of the Juvenile Diabetes Research Foundation.



322           (nn) Sales of potting soil, mulch, or other soil  
323 amendments used in growing ornamental plants which bear no fruit  
324 of commercial value when sold to commercial plant nurseries that  
325 operate exclusively at wholesale and where no retail sales can be  
326 made.

327           (oo) Sales of tangible personal property or services to  
328 the University of Mississippi Medical Center Research Development  
329 Foundation.

330           (pp) Sales of tangible personal property or services to  
331 Keep Mississippi Beautiful, Inc., and all affiliates of Keep  
332 Mississippi Beautiful, Inc.

333           (qq) Sales of tangible personal property or services to  
334 the Friends of Children's Hospital.

335           (rr) Sales of tangible personal property or services to  
336 the Pinecrest Weekend Backpacks for Kids located in Corinth,  
337 Mississippi.

338           (ss) Sales of hearing aids when ordered or prescribed  
339 by a licensed physician, audiologist or hearing aid specialist for  
340 the medical purposes of a patient.

341           (tt) Sales exempt under the Facilitating Business Rapid  
342 Response to State Declared Disasters Act of 2015 (Sections  
343 27-113-1 through 27-113-9).

344           (uu) Sales of tangible personal property or services to  
345 the Junior League of Jackson.



346           (vv) Sales of tangible personal property or services to  
347 the Mississippi's Toughest Kids Foundation for use in the  
348 construction, furnishing and equipping of buildings and related  
349 facilities and infrastructure at Camp Kamassa in Copiah County,  
350 Mississippi. This paragraph (vv) shall stand repealed on July 1,  
351 2022.

352           (ww) Sales of tangible personal property or services to  
353 MS Gulf Coast Buddy Sports, Inc.

354           (xx) Sales of tangible personal property or services to  
355 Biloxi Lions, Inc.

356           (yy) Sales of tangible personal property or services to  
357 Lions Sight Foundation of Mississippi, Inc.

358           (zz) Sales of tangible personal property and services  
359 to the Goldring/Woldenberg Institute of Southern Jewish Life  
360 (ISJL).

361           **SECTION 2.** This act shall take effect and be in force from  
362 and after July 1, 2019.

