

By: Representative Haney

To: Ways and Means

HOUSE BILL NO. 895

1 AN ACT TO AMEND SECTION 27-65-111, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE TIME FOR THE SALES TAX EXEMPTION FOR RETAIL SALES OF  
3 CERTAIN ARTICLES OF CLOTHING AND RETAIL SALES OF SCHOOL SUPPLIES  
4 FROM THE LAST WEEKEND IN JULY TO THE SECOND WEEKEND IN JULY; AND  
5 FOR RELATED PURPOSES.

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

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

9 27-65-111. The exemptions from the provisions of this  
10 chapter which are not industrial, agricultural or governmental, or  
11 which do not relate to utilities or taxes, or which are not  
12 properly classified as one (1) of the exemption classifications of  
13 this chapter, shall be confined to persons or property exempted by  
14 this section or by the Constitution of the United States or the  
15 State of Mississippi. No exemptions as now provided by any other  
16 section, except the classified exemption sections of this chapter  
17 set forth herein, shall be valid as against the tax herein levied.  
18 Any subsequent exemption from the tax levied hereunder, except as  
19 indicated above, shall be provided by amendments 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.

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

100 The exemption provided in this paragraph (h) shall not apply  
101 to medical cannabis sold in accordance with the provisions of the  
102 Mississippi Medical Cannabis Act and in compliance with rules and  
103 regulations adopted thereunder.

104 "Hospital," as used in this paragraph (h), shall have the  
105 meaning ascribed to it in Section 41-9-3, Mississippi Code of  
106 1972.

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

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

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



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

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

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

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

128 (o) Retail sales of food for human consumption  
129 purchased with food stamps issued by the United States Department  
130 of Agriculture, or other federal agency, from and after October 1,  
131 1987, or from and after the expiration of any waiver granted  
132 pursuant to federal law, the effect of which waiver is to permit  
133 the collection by the state of tax on such retail sales of food  
134 for human consumption purchased with food stamps.

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

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



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

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

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

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

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

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

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

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



164           (z) Sales of tangible personal property to nonprofit  
165 organizations that provide foster care, adoption services and  
166 temporary housing for unwed mothers and their children if the  
167 organization is exempt from federal income taxation under Section  
168 501(c) (3) of the Internal Revenue Code.

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

174           (bb) (i) Retail sales of an article of clothing or  
175 footwear designed to be worn on or about the human body and retail  
176 sales of school supplies if the sales price of the article of  
177 clothing or footwear or school supply is less than One Hundred  
178 Dollars (\$100.00) and the sale takes place during a period  
179 beginning at 12:01 a.m. on the \* \* \* second Friday in July and  
180 ending at 12:00 midnight the following \* \* \* Sunday. This  
181 paragraph (bb) shall not apply to:

182                           1. Accessories including jewelry, handbags,  
183 luggage, umbrellas, wallets, watches, briefcases, garment bags and  
184 similar items carried on or about the human body, without regard  
185 to whether worn on the body in a manner characteristic of  
186 clothing;

187                           2. The rental of clothing or footwear; and





188                   3. Skis, swim fins, roller blades, skates and  
189 similar items worn on the foot.

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

- 193                   1. Backpacks;
- 194                   2. Binder pockets;
- 195                   3. Binders;
- 196                   4. Blackboard chalk;
- 197                   5. Book bags;
- 198                   6. Calculators;
- 199                   7. Cellophane tape;
- 200                   8. Clays and glazes;
- 201                   9. Compasses;
- 202                   10. Composition books;
- 203                   11. Crayons;
- 204                   12. Dictionaries and thesauruses;
- 205                   13. Dividers;
- 206                   14. Erasers;
- 207                   15. Folders: expandable, pocket, plastic and  
208 manila;
- 209                   16. Glue, paste and paste sticks;
- 210                   17. Highlighters;
- 211                   18. Index card boxes;
- 212                   19. Index cards;



- 213 20. Legal pads;
- 214 21. Lunch boxes;
- 215 22. Markers;
- 216 23. Notebooks;
- 217 24. Paintbrushes for artwork;
- 218 25. Paints: acrylic, tempera and oil;
- 219 26. Paper: loose-leaf ruled notebook paper,
- 220 copy paper, graph paper, tracing paper, manila paper, colored
- 221 paper, poster board and construction paper;
- 222 27. Pencil boxes and other school supply
- 223 boxes;
- 224 28. Pencil sharpeners;
- 225 29. Pencils;
- 226 30. Pens;
- 227 31. Protractors;
- 228 32. Reference books;
- 229 33. Reference maps and globes;
- 230 34. Rulers;
- 231 35. Scissors;
- 232 36. Sheet music;
- 233 37. Sketch and drawing pads;
- 234 38. Textbooks;
- 235 39. Watercolors;
- 236 40. Workbooks; and
- 237 41. Writing tablets.



238 (iii) From and after January 1, 2010, the  
239 governing authorities of a municipality, for retail sales  
240 occurring within the corporate limits of the municipality, may  
241 suspend the application of the exemption provided for in this  
242 paragraph (bb) by adoption of a resolution to that effect stating  
243 the date upon which the suspension shall take effect. A certified  
244 copy of the resolution shall be furnished to the Department of  
245 Revenue at least ninety (90) days prior to the date upon which the  
246 municipality desires such suspension to take effect.

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

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

253 (dd) Sales of durable medical equipment and home  
254 medical supplies when ordered or prescribed by a licensed  
255 physician for medical purposes of a patient. As used in this  
256 paragraph (dd), "durable medical equipment" and "home medical  
257 supplies" mean equipment, including repair and replacement parts  
258 for the equipment or supplies listed under Title XVIII of the  
259 Social Security Act or under the state plan for medical assistance  
260 under Title XIX of the Social Security Act, prosthetics,  
261 orthotics, hearing aids, hearing devices, prescription eyeglasses,  
262 oxygen and oxygen equipment. Payment does not have to be made, in



263 whole or in part, by any particular person to be eligible for this  
264 exemption. Purchases of home medical equipment and supplies by a  
265 provider of home health services or a provider of hospice services  
266 are eligible for this exemption if the purchases otherwise meet  
267 the requirements of this paragraph.

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

270 (ff) (i) Subject to the provisions of this paragraph  
271 (ff), retail sales of firearms, ammunition and hunting supplies if  
272 sold during the annual Mississippi Second Amendment Weekend  
273 holiday beginning at 12:01 a.m. on the last Friday in August and  
274 ending at 12:00 midnight the following Sunday. For the purposes  
275 of this paragraph (ff), "hunting supplies" means tangible personal  
276 property used for hunting, including, and limited to, archery  
277 equipment, firearm and archery cases, firearm and archery  
278 accessories, hearing protection, holsters, belts and slings.  
279 Hunting supplies does not include animals used for hunting.

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

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

284 2. A purchaser orders and pays for an  
285 eligible item and the seller accepts the order for immediate  
286 shipment, even if delivery is made after the time period provided



287 in subparagraph (i) of this paragraph (ff), provided that the  
288 purchaser has not requested or caused the delay in shipment.

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

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

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

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

300 (kk) Sales of tangible personal property or services to  
301 the Hattiesburg Zoo.

302 (ll) Gross proceeds from sales of food, merchandise or  
303 other concessions at an event held solely for religious or  
304 charitable purposes at livestock facilities, agriculture  
305 facilities or other facilities constructed, renovated or expanded  
306 with funds for the grant program authorized under Section 18,  
307 Chapter 530, Laws of 1995.

308 (mm) Sales of tangible personal property and services  
309 to the Diabetes Foundation of Mississippi and the Mississippi  
310 Chapter of the Juvenile Diabetes Research Foundation.



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

316 (oo) Sales of tangible personal property or services to  
317 the University of Mississippi Medical Center Research Development  
318 Foundation.

319 (pp) Sales of tangible personal property or services to  
320 Keep Mississippi Beautiful, Inc., and all affiliates of Keep  
321 Mississippi Beautiful, Inc.

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

324 (rr) Sales of tangible personal property or services to  
325 the Pinecrest Weekend Backpacks for Kids located in Corinth,  
326 Mississippi.

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

330 (tt) Sales exempt under the Facilitating Business Rapid  
331 Response to State Declared Disasters Act of 2015 (Sections  
332 27-113-1 through 27-113-9).

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



335 (vv) Sales of tangible personal property or services to  
336 the Mississippi's Toughest Kids Foundation for use in the  
337 construction, furnishing and equipping of buildings and related  
338 facilities and infrastructure at Camp Kamassa in Copiah County,  
339 Mississippi. This paragraph (vv) shall stand repealed on July 1,  
340 2025.

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

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

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

347 (zz) Sales of tangible personal property and services  
348 to the Goldring/Woldenberg Institute of Southern Jewish Life  
349 (ISJL).

350 (aaa) Sales of coins, currency, and bullion. For the  
351 purposes of this paragraph (aaa), the following words and phrases  
352 shall have the meanings ascribed in this paragraph (aaa) unless  
353 the context clearly indicates otherwise:

354 (i) "Bullion" means a bar, ingot, or coin:

355 1. Manufactured, in whole or in part, of  
356 gold, silver, platinum, or palladium;

357 2. That was or is used solely as a medium of  
358 exchange, security, or commodity by any state, the United States  
359 Government, or a foreign nation; and



360                   3. Sold based on the intrinsic value of the  
361 bar, ingot, or coin as a precious metal or collectible item rather  
362 than its form or representative value as a medium of exchange.

363                   (ii) "Coin or currency" means a coin or currency:

364                   1. Manufactured, in whole or in part, of  
365 gold, silver, other metal, or paper;

366                   2. That was or is used solely as a medium of  
367 exchange, security, or commodity by any state, the United States  
368 Government, or a foreign nation; and

369                   3. Sold based on the intrinsic value of the  
370 coin or currency as a precious metal or collectible item rather  
371 than its form or representative value as a medium of exchange.  
372 "Coin or currency" does not include a coin or currency that has  
373 been incorporated into jewelry.

374                   **SECTION 2.** This act shall take effect and be in force from  
375 and after its passage.

