

2019 Regular Session

HOUSE BILL NO. 200

BY REPRESENTATIVE JEFFERSON

TAX/SALES-USE-EXEMPT: Expands the state and local sales and use tax exclusion for certain funeral-related goods and services

1 AN ACT

2 To amend and reenact R.S. 47:301(10)(s), relative to state and local sales and use taxes; to
3 exclude certain funeral-related expenses from state and local sales and use tax; to
4 provide for certain definitions; to provide for applicability; to provide for an
5 effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:301(10)(s) is hereby amended and reenacted to read as follows:

8 §301. Definitions

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

12 * * *

13 (10)(s)(i) The term "sale at retail" or "retail sale", for purposes of sales and
14 use taxes imposed by the state or any political subdivision or other taxing entity,
15 shall not include any charge, fee, money, or other consideration received, given, or
16 paid for the performance of funeral directing services. For purposes of this
17 ~~Subparagraph~~ Paragraph, "funeral directing services" means the operation of a
18 funeral home, or by way of illustration and not limitation, any service whatsoever
19 connected with the management of funerals, or the supervision of hearses or funeral
20 cars, the cleaning or dressing of dead human bodies for burial, and the performance

1 or supervision of any service or act connected with the management of funerals from
2 time of death until the body or bodies are delivered to the cemetery, crematorium,
3 or other agent for the purpose of disposition. However, such services shall not mean
4 or include the sale, lease, rental, or use of any tangible personal property as those
5 terms are defined in this Section.

6 (ii) For purposes of this Paragraph, "funeral directing services" includes
7 cases where a funeral establishment in the course of providing funeral directing
8 services receives payment from a funeral consumer and remits the payment to a third
9 party on behalf of the funeral consumer for a cash advance item. A funeral consumer
10 is a consumer that purchases funeral-related goods and services. The term "cash
11 advance item" shall include any item or service that qualifies as a cash advance item
12 under 16 CFR §453.1 that is provided by a third party and paid for by a funeral
13 establishment on behalf of a funeral consumer.

14 * * *

15 Section 2. This Act shall become effective on July 1, 2019.

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 200 Original

2019 Regular Session

Jefferson

Abstract: Expands the state and local sales and use tax exclusion for certain funeral-related expenses to include payments made by a funeral establishment on behalf of a funeral consumer to a third party for a cash advance item.

Present law excludes funeral directing services from imposition of state and local sales and use taxes. Funeral directing services include the operation of a funeral home, management of funerals, and performance of services connected with funerals from the time of death until burial.

Proposed law retains present law but adds payments made by funeral establishments on behalf of a funeral consumer to a third party for a cash advance. Further defines "cash advance items" pursuant to present federal law to include cemetery or crematory charges, flowers, obituary notices, death certificates, musicians or singers, and clergy honoraria.

Effective July 1, 2019.

(Amends R.S. 47:301(10)(s))