SLS 19RS-618

ORIGINAL

2019 Regular Session

SENATE BILL NO. 232

BY SENATOR RISER

TAX/SALES. Excludes funeral establishments that make payment to a third party for cash advance items from the definition of dealer for state and local sales and use tax. (7/1/19)

1	AN ACT
2	To enact R.S. 47:301(31), 302(BB)(110), 321(P)(111), 321.1(I)(111), and 331(V)(111),
3	relative to exclusions from state and local sales tax; to exclude funeral
4	establishments that make payments to a third party for cash advance items from the
5	definition of dealer for state and local sales and use tax purposes; and to provide for
6	related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 47:301(31), 302(BB)(110), 321(P)(111), 321.1(I)(111), and
9	331(V)(111) are hereby enacted to read as follows:
10	§301. Definitions
11	As used in this Chapter the following words, terms, and phrases have the
12	meanings ascribed to them in this Section, unless the context clearly indicates a
13	different meaning:
14	* * *
15	(31) For purposes of sales and use taxes imposed by the state or any
16	political subdivision or other taxing entity, the terms "dealer", "purchaser", or
17	<u>"retailer" shall not include a funeral establishment that collects from a funeral</u>

Page 1 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	consumer and makes payment to a third party for cash advance items in the
2	course of providing funeral directing services. For purposes of this Paragraph,
3	"cash advance items" means tangible personal property or services provided
4	by a third party to or for the benefit of a funeral consumer, the charges for
5	which are itemized at the same price charged by the third party on a statement
6	of funeral goods and services selected that is prepared by the funeral
7	establishment and qualifies as a cash advance item under 16 CFR Part 453.1 et
8	seq. Cash advance items may include but are not limited to cemetery charges,
9	crematory charges, flowers, obituary notices, death certificates, musicians,
10	singers, and clergy honoraria.
11	* * *
12	§302. Imposition of tax
13	* * *
14	BB. Notwithstanding any other provision of law to the contrary, including but
15	not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
16	through June 30, 2025, there shall be no exemptions and no exclusions to the tax
17	levied pursuant to the provisions of this Section, except for the retail sale, use,
18	consumption, distribution, or storage for use or consumption of the following:
19	* * *
20	(110) Third party cash advance items purchased by funeral
21	establishments as provided in R.S. 47:301(31).
22	* * *
23	§321. Imposition of tax
24	* * *
25	P. Notwithstanding any other provision of law to the contrary, including but
26	not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
27	through June 30, 2025, there shall be no exemptions and no exclusions to the tax
28	levied pursuant to the provisions of this Section, except for the retail sale, use,
29	consumption, distribution, or storage for use or consumption of the following:

Page 2 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	* * *
2	(111) Third party cash advance items purchased by funeral
3	establishments as provided in R.S. 47:301(31).
4	* * *
5	§321.1 Imposition of tax
6	* * *
7	I. Notwithstanding any other provision of law to the contrary, including but
8	not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
9	through June 30, 2025, there shall be no exemptions and no exclusions to the tax
10	levied pursuant to the provisions of this Section, except for the retail sale, use,
11	consumption, distribution, or storage for use or consumption of the following:
12	* * *
13	(111) Third party cash advance items purchased by funeral
14	establishments as provided in R.S. 47:301(31).
15	* * *
16	§331. Imposition of tax
17	* * *
18	V. Notwithstanding any other provision of law to the contrary, including but
19	not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
20	through June 30, 2025, there shall be no exemptions and no exclusions to the tax
21	levied pursuant to the provisions of this Section, except for the retail sale, use,
22	consumption, distribution, or storage for use or consumption of the following:
23	* * *
24	(111) Third party cash advance items purchased by funeral
25	establishments as provided in R.S. 47:301(31).
26	* * *
27	Section 2. This Act shall become effective on July 1, 2019

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Leonore Heavey.

SB 232 Original

DIGEST 2019 Regular Session

Riser

<u>Proposed law</u> excludes funeral establishments that collect from a funeral consumer and make payments to a third party for cash advance items in the course of providing funeral directing services from the definition of dealer for state and local sales and use tax purposes.

<u>Proposed law</u> provides that cash advance items include but are not limited to cemetery charges, crematory charges, flowers, obituary notices, death certificates, musicians, singers, and clergy honoraria.

<u>Present law</u> provides the exclusive list of state sales and use tax exemptions applicable until July 1, 2025.

<u>Proposed law</u> adds third party cash advance items purchased by funeral establishments to the list of applicable state sales and use tax exemptions.

Effective July 1, 2019.

(Adds R.S. 47:301(31), 302(BB)(110), 321(P)(111), 321.1(I)(111), and 331(V)(111))