

1 AN ACT relating to sales and use tax exemptions for firearm-related items.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 139.010 is amended to read as follows:

4 As used in this chapter, unless the context otherwise provides:

5 (1) (a) "Admissions" means the fees paid for:

6 1. The right of entrance to a display, program, sporting event, music
7 concert, performance, play, show, movie, exhibit, fair, or other
8 entertainment or amusement event or venue; and

9 2. The privilege of using facilities or participating in an event or activity,
10 including but not limited to:

11 a. Bowling centers;

12 b. Skating rinks;

13 c. Health spas;

14 d. Swimming pools;

15 e. Tennis courts;

16 f. Weight training facilities;

17 g. Fitness and recreational sports centers; and

18 h. Golf courses, both public and private;

19 regardless of whether the fee paid is per use or in any other form,
20 including but not limited to an initiation fee, monthly fee, membership
21 fee, or combination thereof.

22 (b) "Admissions" does not include:

23 1. Any fee paid to enter or participate in a fishing tournament; or

24 2. Any fee paid for the use of a boat ramp for the purpose of allowing
25 boats to be launched into or hauled out from the water;

26 (2) "Advertising and promotional direct mail" means direct mail the primary purpose of
27 which is to attract public attention to a product, person, business, or organization, or

1 to attempt to sell, popularize, or secure financial support for a product, person,
2 business, or organization. As used in this definition, "product" means tangible
3 personal property, an item transferred electronically, or a service;

4 (3) (a) "Ammunition" means the material fired from any firearm.

5 (b) "Ammunition" includes but is not limited to:

6 1. Any complete round, shell, or cartridge;

7 2. Round, shell, or cartridge components;

8 3. Bullets;

9 4. Caps;

10 5. Cartridge cases;

11 6. Primers;

12 7. Projectiles; and

13 8. Propellant powders, including grades of black powder suitable
14 primarily for use in firearms;

15 (4) (a) "Antique firearm" means:

16 1. Any firearm manufactured in or before 1898; or

17 2. Any replica of a firearm described in paragraph (a) of this subsection
18 if the replica:

19 a. Is not designed or redesigned for using rimfire or conventional
20 centerfire fixed ammunition, or

21 b. Uses rimfire or conventional centerfire fixed ammunition which
22 is no longer manufactured in the United States and which is not
23 readily available in the ordinary channels of commercial trade;
24 or

25 3. Any muzzle loading rifle, muzzle loading shotgun, or muzzle loading
26 pistol, which is designed to use black powder, or a black powder
27 substitute, and which cannot use fixed ammunition.

1 **(b) "Antique firearm" does not include any weapon which incorporates a**
2 **firearm frame or receiver, any firearm which is converted into a muzzle**
3 **loading weapon, or any muzzle loading weapon which can be readily**
4 **converted to fire fixed ammunition by replacing the barrel, bolt,**
5 **breechblock, or any combination thereof;**

6 **(5) "Body armor" means any product offered as personal protective body covering**
7 **intended to protect against gunfire, regardless of whether the product is to be**
8 **worn alone or is sold as a complement to another product or garment;**

9 **(6)** "Business" includes any activity engaged in by any person or caused to be engaged
10 in by that person with the object of gain, benefit, or advantage, either direct or
11 indirect;

12 **(7)**~~[(4)]~~ "Commonwealth" means the Commonwealth of Kentucky;

13 **(8)**~~[(5)]~~ (a) "Cosmetic surgery services" means modifications to all areas of the
14 head, neck, and body to enhance appearance through surgical and medical
15 techniques.

16 (b) "Cosmetic surgery services" does not include surgery services that are
17 medically necessary to reconstruct or correct dysfunctional areas of the face
18 and body due to birth disorders, trauma, burns, or disease;

19 **(9)**~~[(6)]~~ "Department" means the Department of Revenue;

20 **(10)**~~[(7)]~~ (a) "Digital audio-visual works" means a series of related images which,
21 when shown in succession, impart an impression of motion, with
22 accompanying sounds, if any.

23 (b) "Digital audio-visual works" includes movies, motion pictures, musical
24 videos, news and entertainment programs, and live events.

25 (c) "Digital audio-visual works" shall not include video greeting cards, video
26 games, and electronic games;

27 **(11)**~~[(8)]~~ (a) "Digital audio works" means works that result from the fixation of a

1 series of musical, spoken, or other sounds.

2 (b) "Digital audio works" includes ringtones, recorded or live songs, music,
3 readings of books or other written materials, speeches, or other sound
4 recordings.

5 (c) "Digital audio works" shall not include audio greeting cards sent by electronic
6 mail;

7 ~~(12)~~~~(9)~~ (a) "Digital books" means works that are generally recognized in the
8 ordinary and usual sense as books, including any literary work expressed in
9 words, numbers, or other verbal or numerical symbols or indicia if the literary
10 work is generally recognized in the ordinary or usual sense as a book.

11 (b) "Digital books" shall not include digital audio-visual works, digital audio
12 works, periodicals, magazines, newspapers, or other news or information
13 products, chat rooms, or weblogs;

14 ~~(13)~~~~(10)~~ (a) "Digital code" means a code which provides a purchaser with a right to
15 obtain one (1) or more types of digital property. A "digital code" may be
16 obtained by any means, including electronic mail messaging or by tangible
17 means, regardless of the code's designation as a song code, video code, or
18 book code.

19 (b) "Digital code" shall not include a code that represents:

- 20 1. A stored monetary value that is deducted from a total as it is used by the
21 purchaser; or
22 2. A redeemable card, gift card, or gift certificate that entitles the holder to
23 select specific types of digital property;

24 ~~(14)~~~~(11)~~ (a) "Digital property" means any of the following which is transferred
25 electronically:

- 26 1. Digital audio works;
27 2. Digital books;

- 1 3. Finished artwork;
- 2 4. Digital photographs;
- 3 5. Periodicals;
- 4 6. Newspapers;
- 5 7. Magazines;
- 6 8. Video greeting cards;
- 7 9. Audio greeting cards;
- 8 10. Video games;
- 9 11. Electronic games; or
- 10 12. Any digital code related to this property.

11 (b) "Digital property" shall not include digital audio-visual works or satellite
 12 radio programming;

13 ~~(15)~~~~(12)~~ (a) "Direct mail" means printed material delivered or distributed by United
 14 States mail or other delivery service to a mass audience or to addressees on a
 15 mailing list provided by the purchaser or at the direction of the purchaser
 16 when the cost of the items are not billed directly to the recipient.

17 (b) "Direct mail" includes tangible personal property supplied directly or
 18 indirectly by the purchaser to the direct mail retailer for inclusion in the
 19 package containing the printed material.

20 (c) "Direct mail" does not include multiple items of printed material delivered to
 21 a single address;

22 ~~(16)~~~~(13)~~ "Directly used in the manufacturing or industrial processing process" means
 23 the process that commences with the movement of raw materials from storage into
 24 a continuous, unbroken, integrated process and ends when the finished product is
 25 packaged and ready for sale;

26 ~~(17)~~~~(14)~~ (a) "Executive employee recruitment services" means services provided by
 27 a person to locate potential candidates to fill open senior-level management

1 positions.

2 (b) "Executive employee recruitment services" includes but is not limited to
3 making a detailed list of client requirements, researching and identifying
4 potential candidates, performing prescreening interviews, and providing
5 contract and salary negotiations;

6 ~~(18)~~~~(15)~~ (a) "Extended warranty services" means services provided through a service
7 contract agreement between the contract provider and the purchaser where the
8 purchaser agrees to pay compensation for the contract and the provider agrees
9 to repair, replace, support, or maintain tangible personal property, digital
10 property, real property, or prewritten computer software access services
11 according to the terms of the contract.

12 (b) "Extended warranty services" does not include the sale of a service contract
13 agreement for tangible personal property to be used by a small telephone
14 utility as defined in KRS 278.516 or a Tier III CMRS provider as defined in
15 KRS 65.7621 to deliver communications services as defined in KRS 136.602
16 or broadband;

17 ~~(19)~~~~(16)~~ (a) "Finished artwork" means final art that is used for actual reproduction
18 by photomechanical or other processes or for display purposes.

19 (b) "Finished artwork" includes:

- 20 1. Assemblies;
- 21 2. Charts;
- 22 3. Designs;
- 23 4. Drawings;
- 24 5. Graphs;
- 25 6. Illustrative materials;
- 26 7. Lettering;
- 27 8. Mechanicals;

1 9. Paintings; and

2 10. Paste-ups;

3 **(20) "Firearm" means:**

4 **(a) Any weapon, including a starter gun, which will or is designed to or may**
5 **readily be converted to expel a projectile by the action of an explosive;**

6 **(b) The frame or receiver of any weapon;**

7 **(c) Any firearm muffler or silencer; or**

8 **(d) Any part or combination of parts intended for use in its assembly or**
9 **fabrication;**

10 **(21) "Firearm muffler or silencer" means:**

11 **(a) Any device for silencing, muffling, or diminishing the report of a portable**
12 **firearm; or**

13 **(b) Any part or combination of parts intended for use in its assembly or**
14 **fabrication;**

15 **(22) "Firearm-related accessory" means any item which:**

16 **(a) Directly touches the firearm and is used to clean, enhance, carry, or store**
17 **the firearm;**

18 **(b) Directly touches the ammunition of a firearm and is used to assemble,**
19 **enhance, fabricate, carry, or store the ammunition; or**

20 **(c) Is primarily intended and marketed to protect a person or property from**
21 **being harmed by a firearm or its projectile;**

22 **(23) "Firearm safety course" means an educational safety course offered to the**
23 **general public that:**

24 **(a) Teaches participants the requisite basic knowledge and practical skills**
25 **relating to the safe handling, carrying, and storage of firearms;**

26 **(b) Teaches the basic applicable legal standards for self-defense under**
27 **Kentucky law and the possible civil and criminal penalties for failure to**

1 abide by the current legal standards for self-defense under Kentucky law;

2 (c) Is taught by a trainer or instructor who is certified by the Kentucky

3 Department of Criminal Justice Training; and

4 (d) Is offered to members of the general public and not related to professional

5 development or licensure requirements;

6 (24) "Firearm safety device" means a device to be equipped or installed on a firearm

7 designed to prevent unauthorized access to the firearm or to prevent it from being

8 operated without first deactivating the device;

9 (25) "Firearm storage device" means a container or enclosure designed for the

10 principal purpose of safely storing a firearm and secured by a combination lock,

11 key lock, or lock based on biometric information which, once locked is incapable

12 of being opened without the combination, key, or biometric information,

13 respectively;

14 (26)~~(17)~~ (a) "Gross receipts" and "sales price" mean the total amount or

15 consideration, including cash, credit, property, and services, for which tangible

16 personal property, digital property, or services are sold, leased, or rented, valued in

17 money, whether received in money or otherwise, without any deduction for any of

18 the following:

19 1. The retailer's cost of the tangible personal property, digital property, or
20 services sold;

21 2. The cost of the materials used, labor or service cost, interest, losses, all costs
22 of transportation to the retailer, all taxes imposed on the retailer, or any other
23 expense of the retailer;

24 3. Charges by the retailer for any services necessary to complete the sale;

25 4. Delivery charges, which are defined as charges by the retailer for the
26 preparation and delivery to a location designated by the purchaser including
27 transportation, shipping, postage, handling, crating, and packing;

- 1 5. Any amount for which credit is given to the purchaser by the retailer, other
2 than credit for tangible personal property or digital property traded when the
3 tangible personal property or digital property traded is of like kind and
4 character to the property purchased and the property traded is held by the
5 retailer for resale; and
- 6 6. The amount charged for labor or services rendered in installing or applying
7 the tangible personal property, digital property, or service sold.
- 8 (b) "Gross receipts" and "sales price" shall include consideration received by the
9 retailer from a third party if:
- 10 1. The retailer actually receives consideration from a third party and the
11 consideration is directly related to a price reduction or discount on the
12 sale to the purchaser;
- 13 2. The retailer has an obligation to pass the price reduction or discount
14 through to the purchaser;
- 15 3. The amount of consideration attributable to the sale is fixed and
16 determinable by the retailer at the time of the sale of the item to the
17 purchaser; and
- 18 4. One (1) of the following criteria is met:
- 19 a. The purchaser presents a coupon, certificate, or other
20 documentation to the retailer to claim a price reduction or discount
21 where the coupon, certificate, or documentation is authorized,
22 distributed, or granted by a third party with the understanding that
23 the third party will reimburse any seller to whom the coupon,
24 certificate, or documentation is presented;
- 25 b. The price reduction or discount is identified as a third-party price
26 reduction or discount on the invoice received by the purchaser or
27 on a coupon, certificate, or other documentation presented by the

1 purchaser; or

2 c. The purchaser identifies himself or herself to the retailer as a
3 member of a group or organization entitled to a price reduction or
4 discount. A "preferred customer" card that is available to any
5 patron does not constitute membership in such a group.

6 (c) "Gross receipts" and "sales price" shall not include:

7 1. Discounts, including cash, term, or coupons that are not reimbursed by a
8 third party and that are allowed by a retailer and taken by a purchaser on
9 a sale;

10 2. Interest, financing, and carrying charges from credit extended on the
11 sale of tangible personal property, digital property, or services, if the
12 amount is separately stated on the invoice, bill of sale, or similar
13 document given to the purchaser;

14 3. Any taxes legally imposed directly on the purchaser that are separately
15 stated on the invoice, bill of sale, or similar document given to the
16 purchaser; or

17 4. Local alcohol regulatory license fees authorized under KRS 243.075 that
18 are separately stated on the invoice, bill of sale, or similar document
19 given to the purchaser.

20 (d) As used in this subsection, "third party" means a person other than the
21 purchaser;

22 ~~(27)~~~~(18)~~ "In this state" or "in the state" means within the exterior limits of the
23 Commonwealth and includes all territory within these limits owned by or ceded to
24 the United States of America;

25 ~~(28)~~~~(19)~~ "Industrial processing" includes:

26 (a) Refining;

27 (b) Extraction of minerals, ores, coal, clay, stone, petroleum, or natural gas;

- 1 (c) Mining, quarrying, fabricating, and industrial assembling;
- 2 (d) The processing and packaging of raw materials, in-process materials, and
3 finished products; and
- 4 (e) The processing and packaging of farm and dairy products for sale;
- 5 ~~(29)~~~~(20)~~ (a) "Lease or rental" means any transfer of possession or control of tangible
6 personal property for a fixed or indeterminate term for consideration. A lease
7 or rental shall include future options to:
- 8 1. Purchase the property; or
- 9 2. Extend the terms of the agreement and agreements covering trailers
10 where the amount of consideration may be increased or decreased by
11 reference to the amount realized upon sale or disposition of the property
12 as defined in 26 U.S.C. sec. 7701(h)(1).
- 13 (b) "Lease or rental" shall not include:
- 14 1. A transfer of possession or control of property under a security
15 agreement or deferred payment plan that requires the transfer of title
16 upon completion of the required payments;
- 17 2. A transfer of possession or control of property under an agreement that
18 requires the transfer of title upon completion of the required payments
19 and payment of an option price that does not exceed the greater of one
20 hundred dollars (\$100) or one percent (1%) of the total required
21 payments; or
- 22 3. Providing tangible personal property and an operator for the tangible
23 personal property for a fixed or indeterminate period of time. To qualify
24 for this exclusion, the operator must be necessary for the equipment to
25 perform as designed, and the operator must do more than maintain,
26 inspect, or setup the tangible personal property.
- 27 (c) This definition shall apply regardless of the classification of a transaction

1 under generally accepted accounting principles, the Internal Revenue Code, or
2 other provisions of federal, state, or local law;

3 ~~(30)~~~~(21)~~ (a) "Lobbying services" means the act of promoting or securing passage of
4 legislation or an attempt to influence or sway a public official or other public
5 servant toward a desired action, including but not limited to the support of or
6 opposition to a project or the passage, amendment, defeat, approval, or veto of
7 any legislation, regulation, rule, or ordinance;

8 (b) "Lobbying services" includes but is not limited to the performance of
9 activities described as executive agency lobbying activities as defined in KRS
10 11A.201, activities described under the definition of lobby in KRS 6.611, and
11 any similar activities performed at the local, state, or federal levels;

12 ~~(31)~~~~(22)~~ (a) "Machinery for new and expanded industry" means machinery:

13 1. Directly used in the manufacturing or industrial processing process of:

14 a. Tangible personal property at a plant facility;

15 b. Distilled spirits or wine at a plant facility or on the premises of a
16 distiller, rectifier, winery, or small farm winery licensed under
17 KRS 243.030 that includes a retail establishment on the premises;

18 or

19 c. Malt beverages at a plant facility or on the premises of a brewer or
20 microbrewery licensed under KRS 243.040 that includes a retail
21 establishment;

22 2. Which is incorporated for the first time into:

23 a. A plant facility established in this state; or

24 b. Licensed premises located in this state; and

25 3. Which does not replace machinery in the plant facility or licensed
26 premises unless that machinery purchased to replace existing machinery:

27 a. Increases the consumption of recycled materials at the plant

- 1 facility by not less than ten percent (10%);
- 2 b. Performs different functions;
- 3 c. Is used to manufacture a different product; or
- 4 d. Has a greater productive capacity, as measured in units of
- 5 production, than the machinery being replaced.

6 (b) "Machinery for new and expanded industry" does not include repair,

7 replacement, or spare parts of any kind, regardless of whether the purchase of

8 repair, replacement, or spare parts is required by the manufacturer or seller as

9 a condition of sale or as a condition of warranty;

10 ~~(32)~~~~(23)~~ "Manufacturing" means any process through which material having little or

11 no commercial value for its intended use before processing has appreciable

12 commercial value for its intended use after processing by the machinery;

13 ~~(33)~~~~(24)~~ "Marketplace" means any physical or electronic means through which one (1)

14 or more retailers may advertise and sell tangible personal property, digital property,

15 or services, or lease tangible personal property or digital property, such as a catalog,

16 internet website, or television or radio broadcast, regardless of whether the tangible

17 personal property, digital property, or retailer is physically present in this state;

18 ~~(34)~~~~(25)~~ (a) "Marketplace provider" means a person, including any affiliate of the

19 person, that facilitates a retail sale by satisfying subparagraphs 1. and 2. of

20 this paragraph as follows:

- 21 1. The person directly or indirectly:
- 22 a. Lists, makes available, or advertises tangible personal property,
- 23 digital property, or services for sale by a marketplace retailer in a
- 24 marketplace owned, operated, or controlled by the person;
- 25 b. Facilitates the sale of a marketplace retailer's product through a
- 26 marketplace by transmitting or otherwise communicating an offer
- 27 or acceptance of a retail sale of tangible personal property, digital

- 1 property, or services between a marketplace retailer and a
2 purchaser in a forum including a shop, store, booth, catalog,
3 internet site, or similar forum;
- 4 c. Owns, rents, licenses, makes available, or operates any electronic
5 or physical infrastructure or any property, process, method,
6 copyright, trademark, or patent that connects marketplace retailers
7 to purchasers for the purpose of making retail sales of tangible
8 personal property, digital property, or services;
- 9 d. Provides a marketplace for making retail sales of tangible personal
10 property, digital property, or services, or otherwise facilitates retail
11 sales of tangible personal property, digital property, or services,
12 regardless of ownership or control of the tangible personal
13 property, digital property, or services, that are the subject of the
14 retail sale;
- 15 e. Provides software development or research and development
16 activities related to any activity described in this subparagraph, if
17 the software development or research and development activities
18 are directly related to the physical or electronic marketplace
19 provided by a marketplace provider;
- 20 f. Provides or offers fulfillment or storage services for a marketplace
21 retailer;
- 22 g. Sets prices for a marketplace retailer's sale of tangible personal
23 property, digital property, or services;
- 24 h. Provides or offers customer service to a marketplace retailer or a
25 marketplace retailer's customers, or accepts or assists with taking
26 orders, returns, or exchanges of tangible personal property, digital
27 property, or services sold by a marketplace retailer; or

- 1 i. Brands or otherwise identifies sales as those of the marketplace
2 provider; and
- 3 2. The person directly or indirectly:
- 4 a. Collects the sales price or purchase price of a retail sale of tangible
5 personal property, digital property, or services;
- 6 b. Provides payment processing services for a retail sale of tangible
7 personal property, digital property, or services;
- 8 c. Through terms and conditions, agreements, or arrangements with a
9 third party, collects payment in connection with a retail sale of
10 tangible personal property, digital property, or services from a
11 purchaser and transmits that payment to the marketplace retailer,
12 regardless of whether the person collecting and transmitting the
13 payment receives compensation or other consideration in exchange
14 for the service; or
- 15 d. Provides a virtual currency that purchasers are allowed or required
16 to use to purchase tangible personal property, digital property, or
17 services.
- 18 (b) "Marketplace provider" includes but is not limited to a person that satisfies the
19 requirements of this subsection through the ownership, operation, or control
20 of a digital distribution service, digital distribution platform, online portal, or
21 application store;
- 22 ~~(35)~~~~(26)~~ "Marketplace retailer" means a seller that makes retail sales through any
23 marketplace owned, operated, or controlled by a marketplace provider;
- 24 ~~(36)~~~~(27)~~ (a) "Occasional sale" includes:
- 25 1. A sale of tangible personal property or digital property not held or used
26 by a seller in the course of an activity for which he or she is required to
27 hold a seller's permit, provided such sale is not one (1) of a series of

1 sales sufficient in number, scope, and character to constitute an activity
2 requiring the holding of a seller's permit. In the case of the sale of the
3 entire, or a substantial portion of the nonretail assets of the seller, the
4 number of previous sales of similar assets shall be disregarded in
5 determining whether or not the current sale or sales shall qualify as an
6 occasional sale; or

7 2. Any transfer of all or substantially all the tangible personal property or
8 digital property held or used by a person in the course of such an activity
9 when after such transfer the real or ultimate ownership of such property
10 is substantially similar to that which existed before such transfer.

11 (b) For the purposes of this subsection, stockholders, bondholders, partners, or
12 other persons holding an interest in a corporation or other entity are regarded
13 as having the "real or ultimate ownership" of the tangible personal property or
14 digital property of such corporation or other entity;

15 ~~(37)~~~~(28)~~ (a) "Other direct mail" means any direct mail that is not advertising and
16 promotional direct mail, regardless of whether advertising and promotional
17 direct mail is included in the same mailing.

18 (b) "Other direct mail" includes but is not limited to:

19 1. Transactional direct mail that contains personal information specific to
20 the addressee, including but not limited to invoices, bills, statements of
21 account, and payroll advices;

22 2. Any legally required mailings, including but not limited to privacy
23 notices, tax reports, and stockholder reports; and

24 3. Other nonpromotional direct mail delivered to existing or former
25 shareholders, customers, employees, or agents, including but not limited
26 to newsletters and informational pieces.

27 (c) "Other direct mail" does not include the development of billing information or

1 the provision of any data processing service that is more than incidental to the
2 production of printed material;

3 ~~(38)~~~~(29)~~ "Person" includes any individual, firm, copartnership, joint venture,
4 association, social club, fraternal organization, corporation, estate, trust, business
5 trust, receiver, trustee, syndicate, cooperative, assignee, governmental unit or
6 agency, or any other group or combination acting as a unit;

7 ~~(39)~~~~(30)~~ "Permanent," as the term applies to digital property, means perpetual or for an
8 indefinite or unspecified length of time;

9 ~~(40)~~~~(31)~~ (a) "Photography and photofinishing services" means:

- 10 1. The taking, developing, or printing of an original photograph; or
- 11 2. Image editing, including shadow removal, tone adjustments, vertical and
12 horizontal alignment and cropping, composite image creation,
13 formatting, watermarking printing, and delivery of an original
14 photograph in the form of tangible personal property, digital property, or
15 other media.

16 (b) "Photography and photofinishing services" does not include photography
17 services necessary for medical or dental health;

18 ~~(41)~~~~(32)~~ "Plant facility" means a single location that is exclusively dedicated to
19 manufacturing or industrial processing activities. A location shall be deemed to be
20 exclusively dedicated to manufacturing or industrial processing activities even if
21 retail sales are made there, provided that the retail sales are incidental to the
22 manufacturing or industrial processing activities occurring at the location. The term
23 "plant facility" shall not include any restaurant, grocery store, shopping center, or
24 other retail establishment;

25 ~~(42)~~~~(33)~~ (a) "Prewritten computer software" means:

- 26 1. Computer software, including prewritten upgrades, that are not designed
27 and developed by the author or other creator to the specifications of a

- 1 specific purchaser;
- 2 2. Software designed and developed by the author or other creator to the
- 3 specifications of a specific purchaser when it is sold to a person other
- 4 than the original purchaser; or
- 5 3. Any portion of prewritten computer software that is modified or
- 6 enhanced in any manner, where the modification or enhancement is
- 7 designed and developed to the specifications of a specific purchaser,
- 8 unless there is a reasonable, separately stated charge on an invoice or
- 9 other statement of the price to the purchaser for the modification or
- 10 enhancement.

11 (b) When a person modifies or enhances computer software of which the person

12 is not the author or creator, the person shall be deemed to be the author or

13 creator only of the modifications or enhancements the person actually made.

14 (c) The combining of two (2) or more prewritten computer software programs or

15 portions thereof does not cause the combination to be other than prewritten

16 computer software;

17 ~~(43)~~~~[(34)]~~ "Prewritten computer software access services" means the right of access to

18 prewritten computer software where the object of the transaction is to use the

19 prewritten computer software while possession of the prewritten computer software

20 is maintained by the seller or a third party, wherever located, regardless of whether

21 the charge for the access or use is on a per use, per user, per license, subscription, or

22 some other basis;

23 ~~(44)~~~~[(35)]~~ (a) "Purchase" means any transfer of title or possession, exchange, barter,

24 lease, or rental, conditional or otherwise, in any manner or by any means

25 whatsoever, of:

- 26 1. Tangible personal property;
- 27 2. An extended warranty service;

1 3. Digital property transferred electronically; or

2 4. Services included in KRS 139.200;

3 for a consideration.

4 (b) "Purchase" includes:

5 1. When performed outside this state or when the customer gives a resale
6 certificate, the producing, fabricating, processing, printing, or imprinting
7 of tangible personal property for a consideration for consumers who
8 furnish either directly or indirectly the materials used in the producing,
9 fabricating, processing, printing, or imprinting;

10 2. A transaction whereby the possession of tangible personal property or
11 digital property is transferred but the seller retains the title as security
12 for the payment of the price; and

13 3. A transfer for a consideration of the title or possession of tangible
14 personal property or digital property which has been produced,
15 fabricated, or printed to the special order of the customer, or of any
16 publication;

17 ~~(45)~~~~[(36)]~~ "Recycled materials" means materials which have been recovered or diverted
18 from the solid waste stream and reused or returned to use in the form of raw
19 materials or products;

20 ~~(46)~~~~[(37)]~~ "Recycling purposes" means those activities undertaken in which materials
21 that would otherwise become solid waste are collected, separated, or processed in
22 order to be reused or returned to use in the form of raw materials or products;

23 ~~(47)~~~~[(38)]~~ "Remote retailer" means a retailer with no physical presence in this state;

24 ~~(48)~~~~[(39)]~~ (a) "Repair, replacement, or spare parts" means any tangible personal
25 property used to maintain, restore, mend, or repair machinery or equipment.

26 (b) "Repair, replacement, or spare parts" does not include machine oils, grease, or
27 industrial tools;

- 1 ~~(49)~~~~(40)~~ (a) "Retailer" means:
- 2 1. Every person engaged in the business of making retail sales of tangible
- 3 personal property, digital property, or furnishing any services in a retail
- 4 sale included in KRS 139.200;
- 5 2. Every person engaged in the business of making sales at auction of
- 6 tangible personal property or digital property owned by the person or
- 7 others for storage, use or other consumption, except as provided in
- 8 paragraph (c) of this subsection;
- 9 3. Every person making more than two (2) retail sales of tangible personal
- 10 property, digital property, or services included in KRS 139.200 during
- 11 any twelve (12) month period, including sales made in the capacity of
- 12 assignee for the benefit of creditors, or receiver or trustee in bankruptcy;
- 13 4. Any person conducting a race meeting under the provision of KRS
- 14 Chapter 230, with respect to horses which are claimed during the
- 15 meeting.
- 16 (b) When the department determines that it is necessary for the efficient
- 17 administration of this chapter to regard any salesmen, representatives,
- 18 peddlers, or canvassers as the agents of the dealers, distributors, supervisors or
- 19 employers under whom they operate or from whom they obtain the tangible
- 20 personal property, digital property, or services sold by them, irrespective of
- 21 whether they are making sales on their own behalf or on behalf of the dealers,
- 22 distributors, supervisors or employers, the department may so regard them and
- 23 may regard the dealers, distributors, supervisors or employers as retailers for
- 24 purposes of this chapter.
- 25 (c) 1. Any person making sales at a charitable auction for a qualifying entity
- 26 shall not be a retailer for purposes of the sales made at the charitable
- 27 auction if:

- 1 a. The qualifying entity, not the person making sales at the auction, is
- 2 sponsoring the auction;
- 3 b. The purchaser of tangible personal property at the auction directly
- 4 pays the qualifying entity sponsoring the auction for the property
- 5 and not the person making the sales at the auction; and
- 6 c. The qualifying entity, not the person making sales at the auction, is
- 7 responsible for the collection, control, and disbursement of the
- 8 auction proceeds.
- 9 2. If the conditions set forth in subparagraph 1. of this paragraph are met,
- 10 the qualifying entity sponsoring the auction shall be the retailer for
- 11 purposes of the sales made at the charitable auction.
- 12 3. For purposes of this paragraph, "qualifying entity" means a resident:
- 13 a. Church;
- 14 b. School;
- 15 c. Civic club; or
- 16 d. Any other nonprofit charitable, religious, or educational
- 17 organization;
- 18 ~~(50)~~~~(41)~~ "Retail sale" means any sale, lease, or rental for any purpose other than resale,
- 19 sublease, or subrent;
- 20 ~~(51)~~~~(42)~~ (a) "Ringtones" means digitized sound files that are downloaded onto a
- 21 device and that may be used to alert the customer with respect to a
- 22 communication.
- 23 (b) "Ringtones" shall not include ringback tones or other digital files that are not
- 24 stored on the purchaser's communications device;
- 25 ~~(52)~~~~(43)~~ (a) "Sale" means:
- 26 1. The furnishing of any services included in KRS 139.200;
- 27 2. Any transfer of title or possession, exchange, barter, lease, or rental,

1 conditional or otherwise, in any manner or by any means whatsoever,
2 of:

- 3 a. Tangible personal property; or
4 b. Digital property transferred electronically;

5 for a consideration.

6 (b) "Sale" includes but is not limited to:

- 7 1. The producing, fabricating, processing, printing, or imprinting of
8 tangible personal property or digital property for a consideration for
9 purchasers who furnish, either directly or indirectly, the materials used
10 in the producing, fabricating, processing, printing, or imprinting;
11 2. A transaction whereby the possession of tangible personal property or
12 digital property is transferred, but the seller retains the title as security
13 for the payment of the price; and
14 3. A transfer for a consideration of the title or possession of tangible
15 personal property or digital property which has been produced,
16 fabricated, or printed to the special order of the purchaser.

17 (c) This definition shall apply regardless of the classification of a transaction
18 under generally accepted accounting principles, the Internal Revenue Code, or
19 other provisions of federal, state, or local law;

20 ~~(53)~~~~[(44)]~~ "Seller" includes every person engaged in the business of selling tangible
21 personal property, digital property, or services of a kind, the gross receipts from the
22 retail sale of which are required to be included in the measure of the sales tax, and
23 every person engaged in making sales for resale;

24 ~~(54)~~~~[(45)]~~ (a) "Storage" includes any keeping or retention in this state for any purpose
25 except sale in the regular course of business or subsequent use solely outside
26 this state of tangible personal property, digital property, or prewritten
27 computer software access services purchased from a retailer.

1 (b) "Storage" does not include the keeping, retaining, or exercising any right or
2 power over tangible personal property for the purpose of subsequently
3 transporting it outside the state for use thereafter solely outside the state, or
4 for the purpose of being processed, fabricated, or manufactured into, attached
5 to, or incorporated into, other tangible personal property to be transported
6 outside the state and thereafter used solely outside the state;

7 ~~(55)~~~~(46)~~ "Tangible personal property" means personal property which may be seen,
8 weighed, measured, felt, or touched, or which is in any other manner perceptible to
9 the senses and includes natural, artificial, and mixed gas, electricity, water, steam,
10 and prewritten computer software;

11 ~~(56)~~~~(47)~~ "Taxpayer" means any person liable for tax under this chapter;

12 ~~(57)~~~~(48)~~ "Telemarketing services" means services provided via telephone, facsimile,
13 electronic mail, text messages, or other modes of communications to another
14 person, which are unsolicited by that person, for the purposes of:

- 15 (a) 1. Promoting products or services;
16 2. Taking orders; or
17 3. Providing information or assistance regarding the products or services;
18 or

19 (b) Soliciting contributions;

20 ~~(58)~~~~(49)~~ "Transferred electronically" means accessed or obtained by the purchaser by
21 means other than tangible storage media; and

22 ~~(59)~~~~(50)~~ (a) "Use" includes the exercise of:

- 23 1. Any right or power over tangible personal property or digital property
24 incident to the ownership of that property, or by any transaction in
25 which possession is given, or by any transaction involving digital
26 property or tangible personal property where the right of access is
27 granted; or

- 1 2. Any right or power to benefit from any services subject to tax under
2 KRS 139.200(2)(p) to (ax).
- 3 (b) "Use" does not include the keeping, retaining, or exercising any right or
4 power over:
- 5 1. Tangible personal property or digital property for the purpose of:
- 6 a. Selling tangible personal property or digital property in the regular
7 course of business; or
- 8 b. Subsequently transporting tangible personal property outside the
9 state for use thereafter solely outside the state, or for the purpose
10 of being processed, fabricated, or manufactured into, attached to,
11 or incorporated into, other tangible personal property to be
12 transported outside the state and thereafter used solely outside the
13 state; or
- 14 2. Prewritten computer software access services purchased for use outside
15 the state and transferred electronically outside the state for use thereafter
16 solely outside the state.

17 ➔Section 2. KRS 139.480 is amended to read as follows:

18 Any other provision of this chapter to the contrary notwithstanding, the terms "sale at
19 retail," "retail sale," "use," "storage," and "consumption," as used in this chapter, shall not
20 include the sale, use, storage, or other consumption of:

- 21 (1) Locomotives or rolling stock, including materials for the construction, repair, or
22 modification thereof, or fuel or supplies for the direct operation of locomotives and
23 trains, used or to be used in interstate commerce;
- 24 (2) Coal for the manufacture of electricity;
- 25 (3) (a) All energy or energy-producing fuels used in the course of manufacturing,
26 processing, mining, or refining and any related distribution, transmission, and
27 transportation services for this energy that are billed to the user, to the extent

1 that the cost of the energy or energy-producing fuels used, and related
2 distribution, transmission, and transportation services for this energy that are
3 billed to the user exceed three percent (3%) of the cost of production.

4 (b) Cost of production shall be computed on the basis of a plant facility, which
5 shall include all operations within the continuous, unbroken, integrated
6 manufacturing or industrial processing process that ends with a product
7 packaged and ready for sale.

8 (c) A person who performs a manufacturing or industrial processing activity for a
9 fee and does not take ownership of the tangible personal property that is
10 incorporated into, or becomes the product of, the manufacturing or industrial
11 processing activity is a toller. For periods on or after July 1, 2018, the costs of
12 the tangible personal property shall be excluded from the toller's cost of
13 production at a plant facility with tolling operations in place as of July 1,
14 2018.

15 (d) For plant facilities that begin tolling operations after July 1, 2018, the costs of
16 tangible personal property shall be excluded from the toller's cost of
17 production if the toller:

18 1. Maintains a binding contract for periods after July 1, 2018, that governs
19 the terms, conditions, and responsibilities with a separate legal entity,
20 which holds title to the tangible personal property that is incorporated
21 into, or becomes the product of, the manufacturing or industrial
22 processing activity;

23 2. Maintains accounting records that show the expenses it incurs to fulfill
24 the binding contract that include but are not limited to energy or energy-
25 producing fuels, materials, labor, procurement, depreciation,
26 maintenance, taxes, administration, and office expenses;

27 3. Maintains separate payroll, bank accounts, tax returns, and other records

- 1 that demonstrate its independent operations in the performance of its
2 tolling responsibilities;
- 3 4. Demonstrates one (1) or more substantial business purposes for the
4 tolling operations germane to the overall manufacturing, industrial
5 processing activities, or corporate structure at the plant facility. A
6 business purpose is a purpose other than the reduction of sales tax
7 liability for the purchases of energy and energy-producing fuels; and
- 8 5. Provides information to the department upon request that documents
9 fulfillment of the requirements in subparagraphs 1. to 4. of this
10 paragraph and gives an overview of its tolling operations with an
11 explanation of how the tolling operations relate and connect with all
12 other manufacturing or industrial processing activities occurring at the
13 plant facility;
- 14 (4) Livestock of a kind the products of which ordinarily constitute food for human
15 consumption, provided the sales are made for breeding or dairy purposes and by or
16 to a person regularly engaged in the business of farming;
- 17 (5) Poultry for use in breeding or egg production;
- 18 (6) Farm work stock for use in farming operations;
- 19 (7) Seeds, the products of which ordinarily constitute food for human consumption or
20 are to be sold in the regular course of business, and commercial fertilizer to be
21 applied on land, the products from which are to be used for food for human
22 consumption or are to be sold in the regular course of business; provided the sales
23 are made to farmers who are regularly engaged in the occupation of tilling and
24 cultivating the soil for the production of crops as a business, or who are regularly
25 engaged in the occupation of raising and feeding livestock or poultry or producing
26 milk for sale; and provided further that tangible personal property so sold is to be
27 used only by those persons designated above who are so purchasing;

- 1 (8) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals to be
2 used in the production of crops as a business, or in the raising and feeding of
3 livestock or poultry, the products of which ordinarily constitute food for human
4 consumption;
- 5 (9) Feed, including pre-mixes and feed additives, for livestock or poultry of a kind the
6 products of which ordinarily constitute food for human consumption;
- 7 (10) Machinery for new and expanded industry;
- 8 (11) Farm machinery. As used in this section, the term "farm machinery":
- 9 (a) Means machinery used exclusively and directly in the occupation of:
- 10 1. Tilling the soil for the production of crops as a business;
- 11 2. Raising and feeding livestock or poultry for sale; or
- 12 3. Producing milk for sale;
- 13 (b) Includes machinery, attachments, and replacements therefor, repair parts, and
14 replacement parts which are used or manufactured for use on, or in the
15 operation of farm machinery and which are necessary to the operation of the
16 machinery, and are customarily so used, including but not limited to combine
17 header wagons, combine header trailers, or any other implements specifically
18 designed and used to move or transport a combine head; and
- 19 (c) Does not include:
- 20 1. Automobiles;
- 21 2. Trucks;
- 22 3. Trailers, except combine header trailers; or
- 23 4. Truck-trailer combinations;
- 24 (12) Tombstones and other memorial grave markers;
- 25 (13) On-farm facilities used exclusively for grain or soybean storing, drying, processing,
26 or handling. The exemption applies to the equipment, machinery, attachments,
27 repair and replacement parts, and any materials incorporated into the construction,

- 1 renovation, or repair of the facilities;
- 2 (14) On-farm facilities used exclusively for raising poultry or livestock. The exemption
3 shall apply to the equipment, machinery, attachments, repair and replacement parts,
4 and any materials incorporated into the construction, renovation, or repair of the
5 facilities. The exemption shall apply but not be limited to vent board equipment,
6 waterer and feeding systems, brooding systems, ventilation systems, alarm systems,
7 and curtain systems. In addition, the exemption shall apply whether or not the seller
8 is under contract to deliver, assemble, and incorporate into real estate the
9 equipment, machinery, attachments, repair and replacement parts, and any materials
10 incorporated into the construction, renovation, or repair of the facilities;
- 11 (15) Gasoline, special fuels, liquefied petroleum gas, and natural gas used exclusively
12 and directly to:
- 13 (a) Operate farm machinery as defined in subsection (11) of this section;
- 14 (b) Operate on-farm grain or soybean drying facilities as defined in subsection
15 (13) of this section;
- 16 (c) Operate on-farm poultry or livestock facilities defined in subsection (14) of
17 this section;
- 18 (d) Operate on-farm ratite facilities defined in subsection (23) of this section;
- 19 (e) Operate on-farm llama or alpaca facilities as defined in subsection (25) of this
20 section; or
- 21 (f) Operate on-farm dairy facilities;
- 22 (16) Textbooks, including related workbooks and other course materials, purchased for
23 use in a course of study conducted by an institution which qualifies as a nonprofit
24 educational institution under KRS 139.495. The term "course materials" means only
25 those items specifically required of all students for a particular course but shall not
26 include notebooks, paper, pencils, calculators, tape recorders, or similar student
27 aids;

- 1 (17) Any property which has been certified as an alcohol production facility as defined
2 in KRS 247.910;
- 3 (18) Aircraft, repair and replacement parts therefor, and supplies, except fuel, for the
4 direct operation of aircraft in interstate commerce and used exclusively for the
5 conveyance of property or passengers for hire. Nominal intrastate use shall not
6 subject the property to the taxes imposed by this chapter;
- 7 (19) Any property which has been certified as a fluidized bed energy production facility
8 as defined in KRS 211.390;
- 9 (20) (a) 1. Any property to be incorporated into the construction, rebuilding,
10 modification, or expansion of a blast furnace or any of its components or
11 appurtenant equipment or structures as part of an approved supplemental
12 project, as defined by KRS 154.26-010; and
- 13 2. Materials, supplies, and repair or replacement parts purchased for use in
14 the operation and maintenance of a blast furnace and related carbon
15 steel-making operations as part of an approved supplemental project, as
16 defined by KRS 154.26-010.
- 17 (b) The exemptions provided in this subsection shall be effective for sales made:
- 18 1. On and after July 1, 2018; and
- 19 2. During the term of a supplemental project agreement entered into
20 pursuant to KRS 154.26-090;
- 21 (21) Beginning on October 1, 1986, food or food products purchased for human
22 consumption with food coupons issued by the United States Department of
23 Agriculture pursuant to the Food Stamp Act of 1977, as amended, and required to
24 be exempted by the Food Security Act of 1985 in order for the Commonwealth to
25 continue participation in the federal food stamp program;
- 26 (22) Machinery or equipment purchased or leased by a business, industry, or
27 organization in order to collect, source separate, compress, bale, shred, or otherwise

1 handle waste materials if the machinery or equipment is primarily used for
2 recycling purposes;

3 (23) Ratite birds and eggs to be used in an agricultural pursuit for the breeding and
4 production of ratite birds, feathers, hides, breeding stock, eggs, meat, and ratite by-
5 products, and the following items used in this agricultural pursuit:

6 (a) Feed and feed additives;

7 (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals;
8 and

9 (c) On-farm facilities, including equipment, machinery, attachments, repair and
10 replacement parts, and any materials incorporated into the construction,
11 renovation, or repair of the facilities. The exemption shall apply to incubation
12 systems, egg processing equipment, waterer and feeding systems, brooding
13 systems, ventilation systems, alarm systems, and curtain systems. In addition,
14 the exemption shall apply whether or not the seller is under contract to
15 deliver, assemble, and incorporate into real estate the equipment, machinery,
16 attachments, repair and replacement parts, and any materials incorporated into
17 the construction, renovation, or repair of the facilities;

18 (24) Embryos and semen that are used in the reproduction of livestock, if the products of
19 these embryos and semen ordinarily constitute food for human consumption, and if
20 the sale is made to a person engaged in the business of farming;

21 (25) Llamas and alpacas to be used as beasts of burden or in an agricultural pursuit for
22 the breeding and production of hides, breeding stock, fiber and wool products,
23 meat, and llama and alpaca by-products, and the following items used in this
24 pursuit:

25 (a) Feed and feed additives;

26 (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals;
27 and

- 1 (c) On-farm facilities, including equipment, machinery, attachments, repair and
2 replacement parts, and any materials incorporated into the construction,
3 renovation, or repair of the facilities. The exemption shall apply to waterer
4 and feeding systems, ventilation systems, and alarm systems. In addition, the
5 exemption shall apply whether or not the seller is under contract to deliver,
6 assemble, and incorporate into real estate the equipment, machinery,
7 attachments, repair and replacement parts, and any materials incorporated into
8 the construction, renovation, or repair of the facilities;
- 9 (26) Baling twine and baling wire for the baling of hay and straw;
- 10 (27) Water sold to a person regularly engaged in the business of farming and used in the:
- 11 (a) Production of crops;
- 12 (b) Production of milk for sale; or
- 13 (c) Raising and feeding of:
- 14 1. Livestock or poultry, the products of which ordinarily constitute food
15 for human consumption; or
- 16 2. Ratites, llamas, alpacas, buffalo, cervids or aquatic organisms;
- 17 (28) Buffalos to be used as beasts of burden or in an agricultural pursuit for the
18 production of hides, breeding stock, meat, and buffalo by-products, and the
19 following items used in this pursuit:
- 20 (a) Feed and feed additives;
- 21 (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals;
22 and
- 23 (c) On-farm facilities, including equipment, machinery, attachments, repair and
24 replacement parts, and any materials incorporated into the construction,
25 renovation, or repair of the facilities. The exemption shall apply to waterer
26 and feeding systems, ventilation systems, and alarm systems. In addition, the
27 exemption shall apply whether or not the seller is under contract to deliver,

1 assemble, and incorporate into real estate the equipment, machinery,
2 attachments, repair and replacement parts, and any materials incorporated into
3 the construction, renovation, or repair of the facilities;

4 (29) Aquatic organisms sold directly to or raised by a person regularly engaged in the
5 business of producing products of aquaculture, as defined in KRS 260.960, for sale,
6 and the following items used in this pursuit:

7 (a) Feed and feed additives;

8 (b) Water;

9 (c) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals;
10 and

11 (d) On-farm facilities, including equipment, machinery, attachments, repair and
12 replacement parts, and any materials incorporated into the construction,
13 renovation, or repair of the facilities and, any gasoline, special fuels, liquefied
14 petroleum gas, or natural gas used to operate the facilities. The exemption
15 shall apply, but not be limited to: waterer and feeding systems; ventilation,
16 aeration, and heating systems; processing and storage systems; production
17 systems such as ponds, tanks, and raceways; harvest and transport equipment
18 and systems; and alarm systems. In addition, the exemption shall apply
19 whether or not the seller is under contract to deliver, assemble, and
20 incorporate into real estate the equipment, machinery, attachments, repair and
21 replacement parts, and any materials incorporated into the construction,
22 renovation, or repair of the facilities;

23 (30) Members of the genus cervidae permitted by KRS Chapter 150 that are used for the
24 production of hides, breeding stock, meat, and cervid by-products, and the
25 following items used in this pursuit:

26 (a) Feed and feed additives;

27 (b) Insecticides, fungicides, herbicides, rodenticides, and other chemicals; and

- 1 (c) On-site facilities, including equipment, machinery, attachments, repair and
2 replacement parts, and any materials incorporated into the construction,
3 renovation, or repair of the facilities. In addition, the exemption shall apply
4 whether or not the seller is under contract to deliver, assemble, and
5 incorporate into real estate the equipment, machinery, attachments, repair and
6 replacement parts, and any materials incorporated into the construction,
7 renovation, or repair of the facilities;
- 8 (31) (a) Repair or replacement parts for the direct operation or maintenance of a motor
9 vehicle, including any towed unit, used exclusively in interstate commerce for
10 the conveyance of property or passengers for hire, provided the motor vehicle
11 is licensed for use on the highway and its declared gross vehicle weight with
12 any towed unit is forty-four thousand and one (44,001) pounds or greater.
13 Nominal intrastate use shall not subject the property to the taxes imposed by
14 this chapter; and
- 15 (b) Repair or replacement parts for the direct operation and maintenance of a
16 motor vehicle operating under a charter bus certificate issued by the
17 Transportation Cabinet under KRS Chapter 281, or under similar authority
18 granted by the United States Department of Transportation.
- 19 (c) For the purposes of this subsection, "repair or replacement parts" means tires,
20 brakes, engines, transmissions, drive trains, chassis, body parts, and their
21 components. "Repair or replacement parts" shall not include fuel, machine
22 oils, hydraulic fluid, brake fluid, grease, supplies, or accessories not essential
23 to the operation of the motor vehicle itself, except when sold as part of the
24 assembled unit, such as cigarette lighters, radios, lighting fixtures not
25 otherwise required by the manufacturer for operation of the vehicle, or tool or
26 utility boxes;
- 27 (32) Food donated by a retail food establishment or any other entity regulated under

- 1 KRS 217.127 to a nonprofit organization for distribution to the needy;
- 2 (33) Drugs and over-the-counter drugs, as defined in KRS 139.472, that are purchased
3 by a person regularly engaged in the business of farming and used in the treatment
4 of cattle, sheep, goats, swine, poultry, ratite birds, llamas, alpacas, buffalo, aquatic
5 organisms, or cervids;
- 6 (34) (a) Building materials, fixtures, or supplies purchased by a construction
7 contractor if:
- 8 1. Fulfilled by a construction contract for a sewer or water project with:
- 9 a. A municipally owned water utility organized under KRS Chapter
10 96;
- 11 b. A water district or water commission formed or organized under
12 KRS Chapter 74;
- 13 c. A sanitation district established under KRS Chapter 220 or formed
14 pursuant to KRS Chapter 65;
- 15 d. A nonprofit corporation created under KRS 58.180 to act on behalf
16 of a governmental agency in the acquisition and financing of
17 public projects;
- 18 e. Regional wastewater commissions formed under KRS Chapter
19 278;
- 20 f. A municipally owned joint sewer agency formed under KRS
21 Chapter 76; or
- 22 g. Any other governmental agency; and
- 23 2. The building materials, fixtures, or supplies:
- 24 a. Will be permanently incorporated into a structure or improvement
25 to real property, or will be completely consumed, in fulfilling a
26 construction contract for the purpose of furnishing water or sewer
27 services to the general public; and

1 b. Would be exempt if purchased directly by the entities listed in
2 subparagraph 1. of this paragraph.

3 (b) As used in this subsection, "construction contract" means a:

- 4 1. Lump sum contract;
- 5 2. Cost plus contract;
- 6 3. Materials only contract;
- 7 4. Labor and materials contract; or
- 8 5. Any other type of contract.

9 (c) The exemption provided in this subsection shall apply without regard to the
10 payment arrangement between the construction contractor, the retailer, and
11 the entities listed in paragraph (a)1. of this subsection or to the place of
12 delivery for the building materials, fixtures, or supplies;

13 (35) (a) On or after February 25, 2022, the rental of space for meetings, conventions,
14 short-term business uses, entertainment events, weddings, banquets, parties,
15 and other short-term social events, as referenced in KRS 139.200, if the tax
16 established in KRS 139.200 is paid by the primary lessee to the lessor.

17 (b) For the purpose of this subsection, "primary lessee" means the person who
18 leases the space and who has a contract with the lessor of the space only if:

- 19 1. The contract between the lessor and the lessee specifies that the lessee
20 may sublease, subrent, or otherwise sell the space; and
- 21 2. The space is then sublet, subrented, or otherwise sold to exhibitors,
22 vendors, sponsors, or other entities and persons who will use the space
23 associated with the event to be conducted under the primary lease;

24 (36) Prewritten computer software access services sold to or purchased by a retailer that
25 develops prewritten computer software for print technology and uses and sells
26 prewritten computer software access services for print technology;

27 (37) (a) Currency or bullion.

1 (b) As used in this subsection:

2 1. "Bullion":

3 a. Means bars, ingots, or coins, which are:

4 i. Made of gold, silver, platinum, palladium, or a combination
5 of these metals;

6 ii. Valued based on the content of the metal and not its form;
7 and

8 iii. Used, or have been used, as a medium of exchange, security,
9 or commodity by any state, the United States government, or
10 a foreign nation; and

11 b. Does not include medallions or coins that are incorporated into a
12 pendant or other jewelry; and

13 2. "Currency":

14 a. Means a coin or currency made of gold, silver, platinum,
15 palladium, or other metal or paper money that is or has been used
16 as legal tender and is sold based on its value as a collectible item
17 rather than the value as a medium of exchange; and

18 b. Does not include a coin or currency that has been incorporated into
19 jewelry; ~~and~~

20 (38) Medicinal cannabis as defined in KRS 218B.010 when sold, used, stored, or
21 consumed in accordance with KRS Chapter 218B; **and**

22 **(39) (a) Ammunition, antique firearms, body armor, firearms, firearm-related**
23 **accessories, firearm safety courses, firearm safety devices, and firearm**
24 **storage devices;**

25 **(b) Admissions or other program fees relating to:**

26 **1. A trade show that lasts less than seven (7) days, in which firearms are**
27 **available for sale or purchase by the public; or**

1 2. A facility which offers indoor or outdoor target practice for firearms to
2 the public; and

3 (c) Noise cancelling ear protection with a noise reduction rating of twenty-five
4 (25) decibels or more.

5 ➔Section 3. This Act takes effect July 1, 2025.