



Revenue Information Bulletin No. 01-005
November 15, 2001
Sales Tax

Dealers Of Agricultural Pharmaceuticals

On July 1, 2000, Act 33 of the 2000 Regular Session of the Louisiana Legislature added an exclusion from state and parish sales taxes for pharmaceuticals administered to livestock used for agricultural purposes. This provision enacted La. Rev. Stat. § 47:301(16)(f), which states, “The term ‘tangible personal property’ shall not include pharmaceuticals administered to livestock used for agricultural purposes ...”

For purposes of this sales tax exclusion, the Louisiana Department of Agriculture and Forestry has issued **Declaration of Emergency** Regulation LAC 7:XXIII.103, which defines “livestock used for agricultural purposes” and “pharmaceuticals” as follows:

Subchapter B. Definitions

§103. Definitions

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Livestock Used for Agricultural Purposes – any animal bred, kept, maintained, raised or used for profit or for the purpose of selling or otherwise producing crops, animals, or plant or animal products for market. This definition includes cattle, buffalo, bison, oxen and other bovine; horses, mules, donkeys, and other equine; sheep; goats; swine; domestic rabbits; fish, pet turtles and other animals identified with aquaculture which are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; imported exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites and other farm-raised exotic animals; chickens, turkeys and other poultry; any animals placed under the jurisdiction of the commissioner or the department; and any hybrid, mixture or mutation of any type of animal if used for an agricultural purpose. However, dogs and cats shall not be considered livestock under these regulations.

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Pharmaceuticals – any substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of plant or animal pests, diseases, viruses, bacteria or other microorganisms in or on livestock and any substance other than food intended to affect the structure or any function of the body of any livestock.

The Department of Agriculture and Forestry will promulgate a final rule to supplement the **Declaration of Emergency**.

A Revenue Information Bulletin (RIB) is issued under the authority of LAC 61:III.101(D). A RIB is an informal statement of information issued for the public and employees that is general in nature. A RIB does not have the force and effect of law and is not binding on the public or the Department.

The exclusion became effective on July 1, 2000. Agricultural supply dealers that collected and remitted sales taxes on qualifying sales of pharmaceuticals since that date may submit a refund claim to the Department of Revenue. The claim must be supported by a spreadsheet tabulation listing sales taxes collected in error by month and evidence that the taxes were refunded or credited to the customers to which they were sold (such as cancelled checks or credit memoranda). The claim may only be submitted by the dealer who remitted the taxes directly to the Department.

For additional information, please contact the Department of Revenue at (225) 219-7356.

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Secretary