**Opinion Letter**

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| **Letter Number:** | **O-2000-014** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Nonprofit organization sales tax responsibilities.** |
| **Keywords:** |  |
| **Approval Date:** | **08/01/2000** |

**Body:**

Office of Policy & Research

August 1, 2000

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XXXX

RE: Your letter of July 10, 2000

Dear XXXX:

Thank you for your letter that we received last month. In it, you ask if the XXXX Community Concert Association is exempt from paying Kansas sales tax on its purchases. You included the by-laws of the association.

I have reviewed the association’s by-laws. There is nothing in them that would serve as the basis for a sales tax exemption. In Kansas, there is no broad-based sales tax exemption for nonprofit organizations that qualify under Section 501(c)(3) of the Internal Revenue Code. A number of organization have petitioned the Kansas legislature for exemption and received an exemption. These include the American Heart Association, Kansas Affiliate, Inc. ,the Kansas Alliance for the Mentally Ill, Inc. the Kansas Mental Illness Awareness Council, the American Diabetes Association Kansas Affiliate, Inc., the American Lung Association of Kansas, Inc., and the Kansas chapters of the Alzheimer's Disease and Related Disorders Association, Inc. There are also exemptions extended to purchases by organizations for nonsectarian, comprehensive multidiscipline youth development programs, as well as a number of other exemptions. However, none of the exemptions can be read as encompassing your organization. Accordingly, the association should continue to pay tax on its purchases.

I hope that this adequately explains the law and how it applies to your organization. If not, please call me and we can discuss this matter further.

Sincerely,

Thomas E. Hatten
Attorney/Policy & Research

**Date Composed: 08/09/2000 Date Modified: 10/10/2001**