**Opinion Letter**

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| **Letter Number:** | **O-1998-07** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Taxability of memberships.** |
| **Keywords:** |  |
| **Approval Date:** | **09/02/1998** |

**Body:**

Office of Policy & Research

September 2, 1998

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Dear Mr. TTTTT:

We wish to acknowledge receipts of your letter dated August 12, 1998, regarding the application of Kansas Retailers’ Sales tax.

This is an informational letter only and not a private letter ruling pursuant to K.A.R. 92-19-59.

K.S.A. 79-3603(n) imposes a sales tax upon: “the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and business, payment of which entitles a member to use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to paragraphs Eighth and Ninth of K.S.A. 79-201, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo. . .”

Please be advised that the gross receipts received from the theatre memberships would be subject to the appropriate Kansas sales tax, since the respective memberships allow the member admission into the facility to view the performances. The non-profit zoo memberships are specifically exempt by statute. Therefore, in order for the theatre memberships to be exempt from Kansas sales tax, specific legislation would be needed. If I may be of further assistance, please contact me at your earliest convenience at (785) 296-7776.

Sincerely yours,

Thomas P. Browne, Jr.
Tax Specialist

TPB

**Date Composed: 09/14/1998 Date Modified: 10/10/2001**