**Opinion Letter**

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| **Letter Number:** | **O-2000-027** |

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| **Tax Type:** | **Kansas Compensating Tax; Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Health food products and herbal supplements.** |
| **Keywords:** |  |
| **Approval Date:** | **10/23/2000** |

**Body:**

Office of Policy & Research

October 23, 2000

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XXXX

RE: Your letter dated October 11, 2000

Dear XXXX:

I have been asked to answer your letter that we received earlier this month. You state that your company is registered to report Kansas sales and use tax and that you have added a number of new products to your product line. You ask if these new products are subject to Kansas sales and use tax. Please be advised that they are.

The products in question are health food products or herbal supplements. They include: (1) caplets that contain extracts of beets, carrots, and barley; (2) aloe vera juice; (3) pollen extract supplement; (4) trace mineral supplements; (5) dried barley juice; (6) coenzyme Q10 supplements, (7) freshwater clam extract; (8) cranberry juice; (9) an herbal diet supplement; (10) carrot juice powder; (11) an antioxidant supplement, (12) a powdered fiber dietary supplement, and various other supplements of a similar nature.

As you know, other states that exempt food sales exempt the sale of many of your products. Unlike these states, Kansas imposes sales tax on retail sales of food and food products. Similarly, Kansas imposes sales tax on retail sales of over-the-counter medicines. We only exempt sales of prescription drugs. Accordingly, there are no Kansas exemptions that apply to exempt the retail sale of your products.

I hope that this adequately answers all of your questions. If not, you can call me at (785) 296-3081 or visit our web site at www.ink.org/public/kdor/ . We have written a number of other opinion letters that reach a similar conclusion about the taxability of retail sales of herbal supplements.

Sincerely,

Thomas E. Hatten

Attorney/Policy & Research

**Date Composed: 10/24/2000 Date Modified: 10/10/2001**