

Kansas Department of Revenue
Office of Policy & Research

May 13, 2009

Notice 09-04

**Sales Tax Treatment of Charges for Participation in Guided and Non-guided
Hunting and Retail Sale of Game Birds**

This notice is to advise that the Department is continuing to review its interpretation on the sales tax treatment of charges for guided and non-guided hunts, and on the retail sale of game birds. Effective May 7, 2008 through May 6, 2010, the Department is suspending enforcement of collection of sales tax on charges for participation in guided or non-guided hunts, and on the retail sale of game birds.

In Revised Notice 07-08 dated February 4, 2008, the Department stated its interpretation that the gross receipts derived from the participation in guided and non-guided hunts are subject to Kansas retailers' sales tax, pursuant to K.S.A. 79-3603(m). During the 2008 and 2009 Legislative Sessions, legislation was introduced that would exempt such gross receipts from sales tax. Although no such exemption was enacted, the Department continues the process of reviewing its interpretation. Following the 2008 Legislative Session, the Department published Notice 08-02, and this notice continues the policy expressed therein as follows: during the Department's review and effective May 7, 2008 through May 6, 2009, subject to any legislative action taken during the 2010 Legislative Session, the Department will not enforce collection of sales tax on the gross receipts derived from the participation in guided and non-guided hunts, and on the retail sale of game birds. Any sales tax on such gross receipts already collected or remitted to the Department as of May 6, 2008 shall be deemed lawfully paid and shall not be refunded.

Taxable sales of meals, tangible personal property and lodging do not fall within the Department's forbearance on enforcement, and collection and remittance of applicable sales tax on those items should continue. Charges for participation in guided and non-guided hunts should be billed separately from charges for taxable sales of meals, tangible personal property, and lodging.

Questions concerning this notice may be directed to Policy & Research, telephone number 785-296-3081.