

**HOUSE BILL No. 2010**

By Representatives Fairchild, Poetter Parshall, Rhiley, Schwertfeger and Seiwert

1-15

1 AN ACT concerning abortion; prohibiting abortion; creating the crimes of  
2 unlawful performance of an abortion and unlawful destruction of a  
3 fertilized embryo and establishing penalties therefor; restricting the use  
4 of fetal tissue; relating to exclusions from sales and use tax exemptions  
5 for certain abortion providers; amending K.S.A. 21-5301, 21-5302, 21-  
6 5303, 65-2837, 65-6731, 65-6732, 65-67a01, 65-67a02, 65-67a04, 65-  
7 67a07, 76-3308 and 79-32,195 and K.S.A. 2024 Supp. 60-1901, 60-  
8 1906, 65-2401, 79-32,182b, 79-32,261 and 79-3606 and repealing the  
9 existing sections; also repealing K.S.A. 38-2003, 65-4a02, 65-4a03, 65-  
10 4a04, 65-4a05, 65-4a06, 65-4a07, 65-4a08, 65-4a09, 65-4a10, 65-4a11,  
11 65-4a12, 65-6702, 65-6703, 65-6704, 65-6705, 65-6707, 65-6709, 65-  
12 6710, 65-6711, 65-6712, 65-6714, 65-6715, 65-6721, 65-6722, 65-  
13 6724, 65-6725, 65-6726, 65-6741, 65-6743, 65-6744, 65-6745, 65-  
14 6746, 65-6747, 65-6748, 65-6749 and 65-67a09 and K.S.A. 2024 Supp.  
15 65-445, 65-4a01, 65-6701, 65-6708, 65-6723 and 65-6742.

16

17 *Be it enacted by the Legislature of the State of Kansas:*

18 New Section 1. (a) The purposes of sections 1 through 4, and  
19 amendments thereto, are:

20 (1) To follow the constitution of the United States, which requires  
21 that "no state...shall deny to any person within its jurisdiction the equal  
22 protection of the laws";

23 (2) to fulfill such constitutional and statutory requirements by  
24 protecting the lives of unborn persons with the same criminal and civil  
25 laws protecting the lives of born persons by repealing provisions that  
26 permit willful prenatal murder or assault;

27 (3) to ensure that all persons potentially subject to such laws are  
28 entitled to due process protections; and

29 (4) to abolish abortion in this state.

30 (b) Unless otherwise provided by law, the enforcement of the  
31 provisions of sections 1 through 4, and amendments thereto, is subject to  
32 the same presumptions, defenses, justifications, rules of criminal  
33 procedure, immunities and clemencies as would apply where the victim is  
34 a person who had been born alive.

35 New Sec. 2. Any federal statute, regulation, treaty, order or court  
36 decision that purports to supersede, stay or overrule this act is in violation

1 of the constitution of the state of Kansas and the constitution of the United  
2 States and is therefore void. The state of Kansas, any state agency or any  
3 political subdivision of this state may, but shall not be required to, enter an  
4 appearance, special or otherwise, in any federal suit challenging the  
5 constitutionality of this act.

6 New Sec. 3. Pursuant to the powers granted to the legislature by  
7 article 2, § 27 of the constitution of the state of Kansas, any judge of this  
8 state who purports to enjoin, stay, overrule or void any provision of this act  
9 shall be subject to impeachment and removal.

10 New Sec. 4. (a) Unlawful performance of an abortion is knowingly  
11 performing an abortion, regardless of the gestational age of the unborn  
12 child.

13 (b) Unlawful destruction of a fertilized embryo is the act of  
14 performing an unlawful abortion as part of the process of artificial  
15 insemination.

16 (c) (1) Unlawful performance of an abortion or attempt, conspiracy or  
17 criminal solicitation to commit unlawful performance of an abortion is a  
18 severity level 1, person felony.

19 (2) Unlawful destruction of a fertilized embryo or attempt, conspiracy  
20 or criminal solicitation to commit unlawful destruction of a fertilized  
21 embryo is a severity level 1, person felony.

22 (d) The provisions of K.S.A. 21-5301(c), and amendments thereto,  
23 shall not apply to a violation of attempting to commit the crime of  
24 unlawful performance of an abortion or unlawful destruction of a fertilized  
25 embryo pursuant to this section. The provisions of K.S.A. 21-5302(d), and  
26 amendments thereto, shall not apply to a violation of conspiracy to commit  
27 the crime of unlawful performance of an abortion or unlawful destruction  
28 of a fertilized embryo pursuant to this section. The provisions of K.S.A.  
29 21-5303(d), and amendments thereto, shall not apply to a violation of  
30 criminal solicitation to commit the crime of unlawful performance of an  
31 abortion or unlawful destruction of a fertilized embryo pursuant to this  
32 section.

33 (e) This section shall not apply to any surgical procedure performed  
34 with the intent to:

35 (1) Save the life or preserve the health of an unborn child; or

36 (2) remove a dead, unborn child whose death was caused by  
37 spontaneous miscarriage, stillbirth or ectopic pregnancy.

38 (f) As used in this section:

39 (1) "Abortion" means the act of using or prescribing an instrument,  
40 drug, medicine or any other substance, device or means with the intent to  
41 cause the death of an unborn child;

42 (2) "fertilization" means the fusion of a human spermatozoon with a  
43 human ovum; and

1 (3) "unborn child" means a living human child from the moment of  
2 fertilization in utero through pregnancy until birth, including the  
3 developmental stages of human conceptus, zygote, morula, blastocyst,  
4 embryo and fetus.

5 Sec. 5. K.S.A. 21-5301 is hereby amended to read as follows: 21-  
6 5301. (a) An attempt is any overt act toward the perpetration of a crime  
7 done by a person who intends to commit such crime but fails in the  
8 perpetration thereof or is prevented or intercepted in executing such crime.

9 (b) It shall not be a defense to a charge of attempt that the  
10 circumstances under which the act was performed or the means employed  
11 or the act itself were such that the commission of the crime was not  
12 possible.

13 (c) (1) An attempt to commit an off-grid felony shall be ranked at  
14 nondrug severity level 1. An attempt to commit any other nondrug felony  
15 shall be ranked on the nondrug scale at two severity levels below the  
16 appropriate level for the underlying or completed crime. The lowest  
17 severity level for an attempt to commit a nondrug felony shall be a severity  
18 level 10.

19 (2) The provisions of this subsection shall not apply to a violation of  
20 attempting to commit the crime of:

21 (A) Aggravated human trafficking, as defined in K.S.A. 21-5426(b),  
22 and amendments thereto, if the offender is 18 years of age or older and the  
23 victim is less than 14 years of age;

24 (B) terrorism, as defined in K.S.A. 21-5421, and amendments thereto;

25 (C) illegal use of weapons of mass destruction, as defined in K.S.A.  
26 21-5422, and amendments thereto;

27 (D) rape, as defined in K.S.A. 21-5503(a)(3), and amendments  
28 thereto, if the offender is 18 years of age or older;

29 (E) aggravated indecent liberties with a child, as defined in K.S.A.  
30 21-5506(b)(3), and amendments thereto, if the offender is 18 years of age  
31 or older;

32 (F) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b)(1)  
33 or (2), and amendments thereto, if the offender is 18 years of age or older;

34 (G) commercial sexual exploitation of a child, as defined in K.S.A.  
35 21-6422, and amendments thereto, if the offender is 18 years of age or  
36 older and the victim is less than 14 years of age;

37 (H) sexual exploitation of a child, as defined in K.S.A. 21-5510(a)(1)  
38 or (4), and amendments thereto, if the offender is 18 years of age or older  
39 and the child is less than 14 years of age;

40 (I) aggravated internet trading in child pornography, as defined in  
41 K.S.A. 21-5514(b), and amendments thereto, if the offender is 18 years of  
42 age or older and the child is less than 14 years of age; ~~or~~

43 (J) capital murder, as defined in K.S.A. 21-5401, and amendments

1 thereto; or

2 (K) unlawful performance of an abortion, as defined in section 4(a),  
3 and amendments thereto, or unlawful destruction of a fertilized embryo, as  
4 defined in section 4(b), and amendments thereto.

5 (d) (1) An attempt to commit a felony—~~which~~ that prescribes a  
6 sentence on the drug grid shall reduce the prison term prescribed in the  
7 drug grid block for an underlying or completed crime by six months.

8 (2) The provisions of this subsection shall not apply to a violation of  
9 attempting to commit a violation of K.S.A. 21-5703, and amendments  
10 thereto.

11 (e) An attempt to commit a class A person misdemeanor is a class B  
12 person misdemeanor. An attempt to commit a class A nonperson  
13 misdemeanor is a class B nonperson misdemeanor.

14 (f) An attempt to commit a class B or C misdemeanor is a class C  
15 misdemeanor.

16 Sec. 6. K.S.A. 21-5302 is hereby amended to read as follows: 21-  
17 5302. (a) A conspiracy is an agreement with another person to commit a  
18 crime or to assist in committing a crime. No person may be convicted of a  
19 conspiracy unless an overt act in furtherance of such conspiracy is alleged  
20 and proved to have been committed by such person or by a co-conspirator.

21 (b) It is immaterial to the criminal liability of a person charged with  
22 conspiracy that any other person with whom the defendant conspired  
23 lacked the actual intent to commit the underlying crime provided that the  
24 defendant believed the other person did have the actual intent to commit  
25 the underlying crime.

26 (c) It shall be a defense to a charge of conspiracy that the accused  
27 voluntarily and in good faith withdrew from the conspiracy, and  
28 communicated the fact of such withdrawal to one or more of the accused  
29 person's co-conspirators, before any overt act in furtherance of the  
30 conspiracy was committed by the accused or by a co-conspirator.

31 (d) (1) Conspiracy to commit an off-grid felony shall be ranked at  
32 nondrug severity level 2. Conspiracy to commit any other nondrug felony  
33 shall be ranked on the nondrug scale at two severity levels below the  
34 appropriate level for the underlying or completed crime. The lowest  
35 severity level for conspiracy to commit a nondrug felony shall be a  
36 severity level 10.

37 (2) The provisions of this subsection shall not apply to a violation of  
38 conspiracy to commit the crime of:

39 (A) Aggravated human trafficking, as defined in K.S.A. 21-5426(b),  
40 and amendments thereto, if the offender is 18 years of age or older and the  
41 victim is less than 14 years of age;

42 (B) terrorism, as defined in K.S.A. 21-5421, and amendments thereto;

43 (C) illegal use of weapons of mass destruction, as defined in K.S.A.

1 21-5422, and amendments thereto;

2 (D) rape, as defined in K.S.A. 21-5503(a)(3), and amendments  
3 thereto, if the offender is 18 years of age or older;

4 (E) aggravated indecent liberties with a child, as defined in K.S.A.  
5 21-5506(b)(3), and amendments thereto, if the offender is 18 years of age  
6 or older;

7 (F) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b)(1)  
8 or (2), and amendments thereto, if the offender is 18 years of age or older;

9 (G) commercial sexual exploitation of a child, as defined in K.S.A.  
10 21-6422, and amendments thereto, if the offender is 18 years of age or  
11 older and the victim is less than 14 years of age;

12 (H) sexual exploitation of a child, as defined in K.S.A. 21-5510(a)(1)  
13 or (4), and amendments thereto, if the offender is 18 years of age or older  
14 and the child is less than 14 years of age;

15 (I) aggravated internet trading in child pornography, as defined in  
16 K.S.A. 21-5514(b), and amendments thereto, if the offender is 18 years of  
17 age or older and the child is less than 14 years of age; ~~or~~

18 (J) violations of the Kansas racketeer influenced and corrupt  
19 organization act, as described in K.S.A. 21-6329, and amendments  
20 thereto; *or*

21 *(K) unlawful performance of an abortion, as defined in section 4(a),*  
22 *and amendments thereto, or unlawful destruction of a fertilized embryo, as*  
23 *defined in section 4(b), and amendments thereto.*

24 (e) Conspiracy to commit a felony ~~which~~ *that* prescribes a sentence  
25 on the drug grid shall reduce the prison term prescribed in the drug grid  
26 block for an underlying or completed crime by six months.

27 (f) A conspiracy to commit a misdemeanor is a class C misdemeanor.

28 Sec. 7. K.S.A. 21-5303 is hereby amended to read as follows: 21-  
29 5303. (a) Criminal solicitation is commanding, encouraging or requesting  
30 another person to commit a felony, attempt to commit a felony or aid and  
31 abet in the commission or attempted commission of a felony for the  
32 purpose of promoting or facilitating the felony.

33 (b) It is immaterial under subsection (a) that the actor fails to  
34 communicate with the person solicited to commit a felony if the person's  
35 conduct was designed to effect a communication.

36 (c) It is an affirmative defense that the actor, after soliciting another  
37 person to commit a felony, persuaded that person not to do so or otherwise  
38 prevented the commission of the felony, under circumstances manifesting  
39 a complete and voluntary renunciation of the actor's criminal purposes.

40 (d) (1) Criminal solicitation to commit an off-grid felony shall be  
41 ranked at nondrug severity level 3. Criminal solicitation to commit any  
42 other nondrug felony shall be ranked on the nondrug scale at three severity  
43 levels below the appropriate level for the underlying or completed crime.

1 The lowest severity level for criminal solicitation to commit a nondrug  
2 felony shall be a severity level 10.

3 (2) The provisions of this subsection shall not apply to a violation of  
4 criminal solicitation to commit the crime of:

5 (A) Aggravated human trafficking, as defined in K.S.A. 21-5426(b),  
6 and amendments thereto, if the offender is 18 years of age or older and the  
7 victim is less than 14 years of age;

8 (B) terrorism, as defined in K.S.A. 21-5421, and amendments thereto;

9 (C) illegal use of weapons of mass destruction, as defined in K.S.A.  
10 21-5422, and amendments thereto;

11 (D) rape, as defined in K.S.A. 21-5503(a)(3), and amendments  
12 thereto, if the offender is 18 years of age or older;

13 (E) aggravated indecent liberties with a child, as defined in K.S.A.  
14 21-5506(b)(3), and amendments thereto, if the offender is 18 years of age  
15 or older;

16 (F) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b)(1)  
17 or (2), and amendments thereto, if the offender is 18 years of age or older;

18 (G) commercial sexual exploitation of a child, as defined in K.S.A.  
19 21-6422, and amendments thereto, if the offender is 18 years of age or  
20 older and the victim is less than 14 years of age;

21 (H) sexual exploitation of a child, as defined in K.S.A. 21-5510(a)(1)  
22 or (4), and amendments thereto, if the offender is 18 years of age or older  
23 and the child is less than 14 years of age; ~~or~~

24 (I) aggravated internet trading in child pornography, as defined in  
25 K.S.A. 21-5514(b), and amendments thereto, if the offender is 18 years of  
26 age or older and the child is less than 14 years of age; *or*

27 (J) *unlawful performance of an abortion, as defined in section 4(a),*  
28 *and amendments thereto, or unlawful destruction of a fertilized embryo, as*  
29 *defined in section 4(b), and amendments thereto.*

30 (e) Criminal solicitation to commit a felony ~~which~~ *that* prescribes a  
31 sentence on the drug grid shall reduce the prison term prescribed in the  
32 drug grid block for an underlying or completed crime by six months.

33 Sec. 8. K.S.A. 2024 Supp. 60-1901 is hereby amended to read as  
34 follows: 60-1901. (a) If the death of a person is caused by the wrongful act  
35 or omission of another, an action may be maintained for the damages  
36 resulting therefrom *and for punitive or exemplary damages* if the former  
37 might have maintained the action had such person lived, in accordance  
38 with the provisions of this article, against the wrongdoer, or such  
39 wrongdoer's personal representative if such wrongdoer is deceased.

40 (b) As used in article 19 of chapter 60 of the Kansas Statutes  
41 Annotated, and amendments thereto, the term "person" includes an unborn  
42 child.

43 (c) As used in this section, the term "unborn child" means ~~a living~~

1 individual organism of the species homo sapiens, in utero, at any stage of  
2 gestation from fertilization to birth means the same as defined in section 4,  
3 and amendments thereto.

4 (d) The provisions of this section shall not apply to a wrongful death  
5 action if the death is of an unborn child by means of:

6 (1) ~~Any act committed by the mother of the unborn child;~~

7 (2) ~~any lawful medical procedure performed by a physician or other  
8 licensed medical professional at the request of the pregnant woman or her  
9 legal guardian;~~

10 (3) ~~the lawful dispensation or administration of lawfully prescribed  
11 medication; or~~

12 (4) ~~a legal abortion an act performed as described in section 4(e),  
13 and amendments thereto.~~

14 (e) If any provision or clause of this act or application thereof to any  
15 person or circumstance is held invalid, such invalidity shall not affect other  
16 provisions or applications of the act ~~which~~ that can be given effect without  
17 the invalid provision or application, and to this end the provisions of this  
18 act are declared to be severable.

19 Sec. 9. K.S.A. 2024 Supp. 60-1906 is hereby amended to read as  
20 follows: 60-1906. (a) No civil action may be commenced in any court for a  
21 claim of wrongful life or wrongful birth, and no damages may be  
22 recovered in any civil action for any physical condition of a minor that  
23 existed at the time of such minor's birth if the damages sought arise out of  
24 a claim that a person's action or omission contributed to such minor's  
25 mother not obtaining an abortion.

26 (b) Nothing in this section shall be deemed to create any new cause of  
27 action, nor preclude any otherwise proper cause of action based on a claim  
28 that, but for a person's wrongful action or omission, the death or physical  
29 injury of the mother would not have occurred, or the handicap, disease or  
30 disability of an individual prior to birth would have been prevented, cured  
31 or ameliorated in a manner that preserved the health and life of such  
32 individual.

33 (c) If any provision or clause of this act or application thereof to any  
34 person or circumstance is held invalid, such invalidity shall not affect other  
35 provisions or applications of the act ~~which~~ that can be given effect without  
36 the invalid provision or application, and to this end the provisions of this  
37 act are declared to be severable.

38 (d) As used in this section:

39 (1) "Abortion" ~~has the same meaning as such term is~~ means the same  
40 as defined in ~~K.S.A. 65-6701~~ section 4, and amendments thereto.

41 (2) "Claim of wrongful birth" means a cause of action brought by a  
42 parent, legal guardian or other individual legally required to provide for  
43 the support of a minor, ~~which~~ that seeks damages, whether economic or

1 noneconomic, as a result of a physical condition of such minor that existed  
2 at the time of such minor's birth; and ~~which~~ is based on a claim that a  
3 person's action or omission contributed to such minor's mother not  
4 obtaining an abortion.

5 (3) "Claim of wrongful life" means a cause of action brought by, or  
6 on behalf of, a minor, ~~which~~ *that* seeks damages, whether economic or  
7 noneconomic, for such minor as a result of a physical condition of such  
8 minor that existed at the time of such minor's birth; and ~~which~~ is based on  
9 a claim that a person's action or omission contributed to such minor's  
10 mother not obtaining an abortion.

11 Sec. 10. K.S.A. 2024 Supp. 65-2401 is hereby amended to read as  
12 follows: 65-2401. As used in this act:

13 (a) "Vital statistics" includes the registration, preparation,  
14 transcription, collection, compilation, and preservation of data pertaining  
15 to birth, adoption, legitimation, death, stillbirth, marriage, divorce,  
16 annulment of marriage, ~~induced termination of pregnancy~~, and data  
17 incidental thereto.

18 (b) "Live birth" means the complete expulsion or extraction from its  
19 mother of a human child, irrespective of the duration of pregnancy, ~~which~~  
20 *that*, after such expulsion or extraction, breathes or shows any other  
21 evidence of life such as beating of the heart, pulsation of the umbilical  
22 cord, or definite movement of voluntary muscles, whether or not the  
23 umbilical cord has been cut or the placenta is attached.

24 (c) "Gestational age" means the age of the human child as measured  
25 in weeks as determined by either the last date of the mother's menstrual  
26 period, a sonogram conducted prior to the 20<sup>th</sup> week of pregnancy or the  
27 confirmed known date of conception.

28 (d) "Stillbirth" means any complete expulsion or extraction from its  
29 mother of a human child the gestational age of which is not less than 20  
30 completed weeks, resulting in other than a live birth, as defined in this  
31 section, and ~~which~~ *that* is not an induced termination of pregnancy.

32 (e) "Induced termination of pregnancy" means abortion, as defined in  
33 ~~K.S.A. 65-6704~~ *section 4*, and amendments thereto.

34 (f) "Dead body" means a lifeless human body or such parts of a  
35 human body or the bones thereof from the state of which it reasonably may  
36 be concluded that death recently occurred.

37 (g) "Person in charge of interment" means any person who places or  
38 causes to be placed a stillborn child or dead body or the ashes, after  
39 cremation, in a grave, vault, urn or other receptacle, or otherwise disposes  
40 thereof.

41 (h) "Secretary" means the secretary of health and environment.

42 (i) "Cause of death certifier" means a person licensed to practice  
43 medicine and surgery by the state board of healing arts, a physician



1 assistant licensed by the state board of healing arts, an advanced practice  
2 registered nurse licensed by the state board of nursing or a district coroner,  
3 deputy coroner or special deputy coroner.

4 (j) "Employee" means a person who has applied for employment or is  
5 currently employed in the office of vital statistics.

6 Sec. 11. K.S.A. 65-2837 is hereby amended to read as follows: 65-  
7 2837. As used in K.S.A. 65-2836, and amendments thereto, and in this  
8 section:

9 (a) "Professional incompetency" means:

10 (1) One or more instances involving failure to adhere to the  
11 applicable standard of care to a degree that constitutes gross negligence, as  
12 determined by the board.

13 (2) Repeated instances involving failure to adhere to the applicable  
14 standard of care to a degree that constitutes ordinary negligence, as  
15 determined by the board.

16 (3) A pattern of practice or other behavior that demonstrates a  
17 manifest incapacity or incompetence to practice the healing arts.

18 (b) "Unprofessional conduct" means:

19 (1) Solicitation of professional patronage through the use of  
20 fraudulent or false advertisements, or profiting by the acts of those  
21 representing themselves to be agents of the licensee.

22 (2) Representing to a patient that a manifestly incurable disease,  
23 condition or injury can be permanently cured.

24 (3) Assisting in the care or treatment of a patient without the consent  
25 of the patient, the attending physician or the patient's legal representatives.

26 (4) The use of any letters, words or terms as an affix, on stationery, in  
27 advertisements or otherwise indicating that such person is entitled to  
28 practice a branch of the healing arts for which such person is not licensed.

29 (5) Performing, procuring or aiding and abetting in the performance  
30 or procurement of ~~a criminal~~ an abortion.

31 (6) Willful betrayal of confidential information.

32 (7) Advertising professional superiority or the performance of  
33 professional services in a superior manner.

34 (8) Advertising to guarantee any professional service or to perform  
35 any operation painlessly.

36 (9) Participating in any action as a staff member of a medical care  
37 facility that is designed to exclude or that results in the exclusion of any  
38 person licensed to practice medicine and surgery from the medical staff of  
39 a nonprofit medical care facility licensed in this state because of the  
40 branch of the healing arts practiced by such person or without just cause.

41 (10) Failure to effectuate the declaration of a qualified patient as  
42 provided in K.S.A. 65-28,107(a), and amendments thereto.

43 (11) Prescribing, ordering, dispensing, administering, selling,

- 1 supplying or giving any amphetamines or sympathomimetic amines,  
2 except as authorized by K.S.A. 65-2837a, and amendments thereto.
- 3 (12) Conduct likely to deceive, defraud or harm the public.
- 4 (13) Making a false or misleading statement regarding the licensee's  
5 skill or the efficacy or value of the drug, treatment or remedy prescribed  
6 by the licensee or at the licensee's direction in the treatment of any disease  
7 or other condition of the body or mind.
- 8 (14) Aiding or abetting the practice of the healing arts by an  
9 unlicensed, incompetent or impaired person.
- 10 (15) Allowing another person or organization to use the licensee's  
11 license to practice the healing arts.
- 12 (16) Commission of any act of sexual abuse, misconduct or other  
13 improper sexual contact that exploits the licensee-patient relationship with  
14 a patient or a person responsible for ~~health care~~ *healthcare* decisions  
15 concerning such patient.
- 16 (17) The use of any false, fraudulent or deceptive statement in any  
17 document connected with the practice of the healing arts including the  
18 intentional falsifying or fraudulent altering of a patient or medical care  
19 facility record.
- 20 (18) Obtaining any fee by fraud, deceit or misrepresentation.
- 21 (19) Directly or indirectly giving or receiving any fee, commission,  
22 rebate or other compensation for professional services not actually and  
23 personally rendered, other than through the legal functioning of lawful  
24 professional partnerships, corporations, limited liability companies or  
25 associations.
- 26 (20) Failure to transfer patient records to another licensee when  
27 requested to do so by the subject patient or by such patient's legally  
28 designated representative.
- 29 (21) Performing unnecessary tests, examinations or services that have  
30 no legitimate medical purpose.
- 31 (22) Charging an excessive fee for services rendered.
- 32 (23) Prescribing, dispensing, administering or distributing a  
33 prescription drug or substance, including a controlled substance, in an  
34 improper or inappropriate manner, or for other than a valid medical  
35 purpose, or not in the course of the licensee's professional practice.
- 36 (24) Repeated failure to practice healing arts with that level of care,  
37 skill and treatment that is recognized by a reasonably prudent similar  
38 practitioner as being acceptable under similar conditions and  
39 circumstances.
- 40 (25) Failure to keep written medical records that accurately describe  
41 the services rendered to the patient, including patient histories, pertinent  
42 findings, examination results and test results.
- 43 (26) Delegating professional responsibilities to a person when the

1 licensee knows or has reason to know that such person is not qualified by  
2 training, experience or licensure to perform them.

3 (27) Using experimental forms of therapy without proper informed  
4 patient consent, without conforming to generally accepted criteria or  
5 standard protocols, without keeping detailed legible records or without  
6 having periodic analysis of the study and results reviewed by a committee  
7 or peers.

8 (28) Prescribing, dispensing, administering or distributing an anabolic  
9 steroid or human growth hormone for other than a valid medical purpose.  
10 Bodybuilding, muscle enhancement or increasing muscle bulk or strength  
11 through the use of an anabolic steroid or human growth hormone by a  
12 person who is in good health is not a valid medical purpose.

13 (29) Referring a patient to a ~~health care~~ *healthcare* entity for services  
14 if the licensee has a significant investment interest in the ~~health care~~  
15 *healthcare* entity, unless the licensee informs the patient in writing of such  
16 significant investment interest and that the patient may obtain such  
17 services elsewhere.

18 (30) Failing to properly supervise, direct or delegate acts that  
19 constitute the healing arts to persons who perform professional services  
20 pursuant to such licensee's direction, supervision, order, referral,  
21 delegation or practice protocols.

22 (31) ~~Violating K.S.A. 65-6703, and amendments thereto.~~

23 (32)—Charging, billing or otherwise soliciting payment from any  
24 patient, patient's representative or insurer for anatomic pathology services,  
25 if such services are not personally rendered by the licensee or under such  
26 licensee's direct supervision. As used in this subsection, "anatomic  
27 pathology services" means the gross or microscopic examination of  
28 histologic processing of human organ tissue or the examination of human  
29 cells from fluids, aspirates, washings, brushings or smears, including blood  
30 banking services, and subcellular or molecular pathology services,  
31 performed by or under the supervision of a person licensed to practice  
32 medicine and surgery or a clinical laboratory. Nothing in this subsection  
33 shall be construed to prohibit billing for anatomic pathology services by:

34 (A) A hospital;

35 (B) a clinical laboratory when samples are transferred between  
36 clinical laboratories for the provision of anatomic pathology services; or

37 (C) a physician providing services to a patient pursuant to a medical  
38 retainer agreement in compliance with K.S.A. 65-4978, and amendments  
39 thereto, when the bill to the patient for such services:

40 (i) Identifies the laboratory or physician that performed the services;

41 (ii) discloses in writing to the patient the actual amount charged by  
42 the physician or laboratory that performed the service; and

43 (iii) is consistent with rules and regulations adopted by the board for

1 appropriate billing standards applicable to such services when furnished  
2 under these agreements.

3 (33) Engaging in conduct that violates patient trust and exploits the  
4 licensee-patient relationship for personal gain.

5 (34) Obstructing a board investigation including, but not limited to,  
6 engaging in one or more of the following acts:

7 (A) Falsifying or concealing a material fact;

8 (B) knowingly making or causing to be made any false or misleading  
9 statement or writing; or

10 (C) other acts or conduct likely to deceive or defraud the board.

11 (c) "False advertisement" means any advertisement that is false,  
12 misleading or deceptive in a material respect. In determining whether any  
13 advertisement is misleading, there shall be taken into account not only  
14 representations made or suggested by statement, word, design, device,  
15 sound or any combination thereof; but also the extent to which the  
16 advertisement fails to reveal facts material in the light of such  
17 representations made.

18 (d) "Advertisement" means all representations disseminated in any  
19 manner or by any means for the purpose of inducing, or that are likely to  
20 induce, directly or indirectly, the purchase of professional services.

21 (e) "Licensee" for purposes of this section and K.S.A. 65-2836, and  
22 amendments thereto, means all persons issued a license, permit or special  
23 permit pursuant to article 28 of chapter 65 of the Kansas Statutes  
24 Annotated, and amendments thereto.

25 (f) "License" for purposes of this section and K.S.A. 65-2836, and  
26 amendments thereto, means any license, permit or special permit granted  
27 under article 28 of chapter 65 of the Kansas Statutes Annotated, and  
28 amendments thereto.

29 (g) "~~Health care~~ *Healthcare* entity" means any corporation, firm,  
30 partnership or other business entity that provides services for diagnosis or  
31 treatment of human health conditions and that is owned separately from a  
32 referring licensee's principle practice.

33 (h) "Significant investment interest" means ownership of at least 10%  
34 of the value of the firm, partnership or other business entity that owns or  
35 leases the ~~health care~~ *healthcare* entity, or ownership of at least 10% of the  
36 shares of stock of the corporation that owns or leases the ~~health care~~  
37 *healthcare* entity.

38 Sec. 12. K.S.A. 65-6731 is hereby amended to read as follows: 65-  
39 6731. As used in K.S.A. 65-6731 through 65-6738, and amendments  
40 thereto:

41 (a) "Abortion" ~~has the same meaning as such term is~~ *means the same*  
42 *as defined in K.S.A. 65-6701 section 4*, and amendments thereto.

43 (b) "Health benefit plan" means any hospital or medical expense

1 policy, health, hospital or medical services corporation contract, and a plan  
 2 provided by a municipal group-funded pool, or a health maintenance  
 3 organization contract offered by any employer or any certificate issued  
 4 under any such policy, contract or plan.

5 (c) "~~Health care~~*Healthcare* entity" means an individual physician or  
 6 other ~~health care~~ *healthcare* professional, a hospital, a provider-sponsored  
 7 organization, a health maintenance organization or any other ~~health care~~  
 8 *healthcare* facility or organization.

9 (d) "School district" means any public school district organized under  
 10 the laws of this state.

11 (e) "State agency" ~~has the same meaning as such term is~~ *means the*  
 12 *same as* defined in K.S.A. 75-3701, and amendments thereto.

13 Sec. 13. K.S.A. 65-6732 is hereby amended to read as follows: 65-  
 14 6732. (a) The legislature hereby finds and declares the following:

15 (1) The life of each human being begins at fertilization;

16 (2) unborn children have interests in life, health and well-being that  
 17 should be protected; and

18 (3) the parents of unborn children have protectable interests in the  
 19 life, health and well-being of the unborn children of such parents.

20 (b) ~~On and after July 1, 2013,~~ The laws of this state shall be  
 21 interpreted and construed to acknowledge on behalf of the unborn child at  
 22 every stage of development, all the rights, privileges and immunities  
 23 available to other persons, citizens and residents of this state, ~~subject only~~  
 24 ~~to as outlined in~~ the constitution of the United States, ~~and decisional~~  
 25 ~~interpretations thereof by the United States supreme court and specific~~  
 26 ~~provisions to the contrary in the Kansas~~ *the constitution of the state of*  
 27 *Kansas* and the Kansas Statutes Annotated, *and to treat as void and of no*  
 28 *effect all rulings of any district or appellate court of this state, rules and*  
 29 *regulations and executive orders that would deprive an unborn child of the*  
 30 *right to life.*

31 (c) As used in this section:

32 (1) "Fertilization" means the fusion of a human spermatozoon with a  
 33 human ovum.

34 (2) "Unborn children" or "unborn child" shall include all unborn  
 35 children or the offspring of human beings from the moment of fertilization  
 36 until birth at every stage of biological development.

37 (d) Nothing in this section shall be construed as creating a cause of  
 38 action against a woman for indirectly harming her unborn child by failing  
 39 to properly care for herself or by failing to follow any particular program  
 40 of prenatal care.

41 Sec. 14. K.S.A. 65-67a01 is hereby amended to read as follows: 65-  
 42 67a01. As used in this act:

43 (a) "Abortion" means an abortion as defined ~~by K.S.A. 65-6701~~ *in*

1 *section 4*, and amendments thereto.

2 (b) (1) "Consideration" means:

3 (A) Any payment made or debt incurred;

4 (B) any gift, honorarium or recognition of value bestowed;

5 (C) any price, charge or fee ~~which that~~ is waived, forgiven, reduced  
6 or indefinitely delayed;

7 (D) any loan or debt ~~which that~~ is canceled or otherwise forgiven; or

8 (E) the transfer of any item from one person to another or provision  
9 of any service or granting of any opportunity for which a charge is  
10 customarily made, without charge or for a reduced charge.

11 (2) "Consideration" shall not mean:

12 (A) A payment in an amount not to exceed \$25 for the cost of  
13 transporting, processing, preserving and storing fetal tissue; or

14 (B) a payment in an amount not to exceed the actual cost, as  
15 documented by the delivery service, of transporting fetal tissue.

16 (c) "Delivery service" means a common carrier as defined by K.S.A.  
17 66-105, and amendments thereto, or other person or entity used to  
18 transport fetal tissue.

19 (d) "Fetal tissue" means any tissue, cells or organs obtained from a  
20 dead human embryo or fetus ~~after an abortion or after a miscarriage or a~~  
21 stillbirth.

22 (e) "Person" means a person as defined by K.S.A. 65-425, and  
23 amendments thereto.

24 (f) "Stillbirth" means a stillbirth as defined by K.S.A. 65-2401, and  
25 amendments thereto.

26 Sec. 15. K.S.A. 65-67a02 is hereby amended to read as follows: 65-  
27 67a02. Except as specifically provided ~~by this act in K.S.A. 65-67a07, and~~  
28 *amendments thereto*, nothing in this act shall be construed as ~~either~~  
29 ~~permitting or prohibiting~~ the use of fetal tissue for any type of scientific,  
30 research, laboratory or other kind of experimentation either prior to or  
31 subsequent to any ~~abortion or miscarriage or stillbirth~~.

32 Sec. 16. K.S.A. 65-67a04 is hereby amended to read as follows: 65-  
33 67a04. (a) No person shall solicit, offer, knowingly acquire or accept or  
34 transfer any fetal tissue for consideration.

35 (b) No person shall solicit, offer or knowingly acquire or accept or  
36 transfer any fetal tissue for the purpose of transplantation of such tissue  
37 into another person ~~if:~~

38 ~~(1) The fetal tissue will be or is obtained pursuant to an abortion; and~~

39 ~~(2) (A) the donation of such fetal tissue will be or is made pursuant to~~  
40 ~~a promise to the donating individual that the donated tissue will be~~  
41 ~~transplanted into a recipient specified by such donating individual;~~

42 ~~(B) such fetal tissue will be transplanted into a relative of the~~  
43 ~~donating individual; or~~

1       ~~(C) the person who solicits or knowingly acquires or accepts the~~  
2 ~~donation of such fetal tissue has provided consideration for the costs~~  
3 ~~associated with such abortion.~~

4       (c) Any person who intentionally, knowingly or recklessly violates  
5 this section shall be guilty of a severity level 2, nonperson felony.

6       Sec. 17. K.S.A. 65-67a07 is hereby amended to read as follows: 65-  
7 67a07. (a) No person shall use fetal organs or tissue for medical, scientific,  
8 experimental or therapeutic use without the voluntary and informed  
9 consent of the ~~woman donating such tissue. Such consent shall not be~~  
10 ~~discussed or obtained prior to obtaining the consent required under K.S.A.~~  
11 ~~65-6709, and amendments thereto~~ *mother or father of the unborn child*  
12 *whose tissue is being donated.*

13       (b) A person who intentionally, knowingly or recklessly violates this  
14 section shall be guilty of a severity level 2, nonperson felony.

15       Sec. 18. K.S.A. 76-3308 is hereby amended to read as follows: 76-  
16 3308.(a) The authority shall have all the powers necessary to carry out the  
17 purposes and provisions of this act, including, without limitation, the  
18 following powers to:

19       (1) Have the duties, privileges, immunities, rights, liabilities and  
20 disabilities of a body corporate and a political instrumentality of the state;

21       (2) have perpetual existence and succession;

22       (3) adopt, have and use a seal and to alter the same at its pleasure;

23       (4) sue and be sued in its own name;

24       (5) make and execute contracts, guarantees or any other instruments  
25 and agreements necessary or convenient for the exercise of its powers and  
26 functions including, without limitation, to make and execute contracts with  
27 hospitals or other ~~health care~~ *healthcare* businesses to operate and manage  
28 any or all of the hospital facilities or operations and to incur liabilities and  
29 secure the obligations of any entity or individual;

30       (6) borrow money and to issue bonds evidencing the same and pledge  
31 all or any part of the authority's assets therefor;

32       (7) purchase, lease, trade, exchange or otherwise acquire, maintain,  
33 hold, improve, mortgage, sell, lease and dispose of personal property,  
34 whether tangible or intangible, and any interest therein; and to purchase,  
35 lease, trade, exchange or otherwise acquire real property or any interest  
36 therein, and to maintain, hold, improve, mortgage, lease and otherwise  
37 transfer such real property, so long as such transactions do not conflict  
38 with the mission of the authority as specified in this act;

39       (8) incur or assume indebtedness ~~to~~; and enter into contracts with the  
40 Kansas development finance authority, which is authorized to borrow  
41 money and provide financing for the authority;

42       (9) develop policies and procedures generally applicable to the  
43 procurement of goods, services and construction, based upon sound

1 business practices;

2 (10) contract for and to accept any gifts, grants and loans of funds,  
3 property, or any other aid in any form from the federal government, the  
4 state, any state agency, or any other source, or any combination thereof,  
5 and to comply with the provisions of the terms and conditions thereof;

6 (11) acquire space, equipment, services, supplies and insurance  
7 necessary to carry out the purposes of this act;

8 (12) deposit any moneys of the authority in any banking institution  
9 within or without the state or in any depository authorized to receive such  
10 deposits, one or more persons to act as custodians of the moneys of the  
11 authority, to give surety bonds in such amounts in form and for such  
12 purposes as the board requires;

13 (13) procure such insurance, participate in such insurance plans or  
14 provide such self insurance or both as it deems necessary or convenient to  
15 carry out the purposes and provisions of this act; the purchase of  
16 insurance, participation in an insurance plan or creation of a self-insurance  
17 fund by the authority shall not be deemed as a waiver or relinquishment of  
18 any sovereign immunity to which the authority or its officers, directors,  
19 employees or agents are otherwise entitled;

20 (14) appoint, supervise and set the salary and compensation of a  
21 president of the authority who shall be appointed by and serve at the  
22 pleasure of the board;

23 (15) fix, revise, charge and collect rates, rentals, fees and other  
24 charges for the services or facilities furnished by or on behalf of the  
25 authority, and to establish policies and procedures regarding any such  
26 service rendered for the use, occupancy or operation of any such facility;  
27 such charges and policies and procedures not to be subject to supervision  
28 or regulation by any commission, board, bureau or agency of the state; and

29 (16) do any and all things necessary or convenient to carry out the  
30 authority's purposes and exercise the powers given in this act.

31 (b) The authority may create, own in whole or in part, or otherwise  
32 acquire or dispose of any entity organized for a purpose related to or in  
33 support of the mission of the authority.

34 (c) The authority may participate in joint ventures with individuals,  
35 corporations, governmental bodies or agencies, partnerships, associations,  
36 insurers or other entities to facilitate any activities or programs consistent  
37 with the public purpose and intent of this act.

38 (d) The authority may create a nonprofit entity or entities for the  
39 purpose of soliciting, accepting and administering grants, outright gifts and  
40 bequests, endowment gifts and bequests and gifts and bequests in trust  
41 which entity or entities shall not engage in trust business.

42 (e) In carrying out any activities authorized by this act, the authority  
43 may provide appropriate assistance, including the making of loans and



1 providing time of employees, to corporations, partnerships, associations,  
2 joint ventures or other entities, whether or not such corporations,  
3 partnerships, associations, joint ventures or other entities are owned or  
4 controlled in whole or in part, directly or indirectly, by the authority.

5 (f) Effective with the transfer date, all moneys of the authority shall  
6 be deposited in one or more banks or trust companies in one or more  
7 special accounts. All banks and trust companies are authorized to give  
8 security for such deposits if required by the authority. The moneys in such  
9 accounts shall be paid out on a warrant or other orders of the treasurer of  
10 the authority or any such other person or persons as the authority may  
11 authorize to execute such warrants or orders.

12 (g) Notwithstanding any provision of law to the contrary, the  
13 authority, effective with the transfer date, may invest the authority's  
14 operating funds in any obligations or securities as authorized by the board.  
15 The board shall adopt written investment guidelines.

16 (h) The authority is authorized to negotiate contracts with one or  
17 more qualified parties to provide collection services. The selection of a  
18 collection services provider shall be based on responses to a request for  
19 proposals from qualified professional firms and shall be administered in  
20 accordance with policies adopted by the board.

21 (i) Notwithstanding any provision of law to the contrary, no abortion,  
22 *as defined in section 4, and amendments thereto*, shall be performed,  
23 ~~except in the event of a medical emergency~~, in any medical facility,  
24 hospital or clinic owned, leased or operated by the authority. ~~The~~  
25 ~~provisions of this subsection are not applicable to any member of the~~  
26 ~~physician faculty of the university of Kansas school of medicine when~~  
27 ~~such abortion is performed outside the scope of such member's~~  
28 ~~employment on property not owned, leased or operated by the authority.~~  
29 ~~As used in this subsection, "medical emergency" means a condition that, in~~  
30 ~~reasonable medical judgment, so complicates the medical condition of the~~  
31 ~~pregnant woman as to necessitate the immediate abortion of her pregnancy~~  
32 ~~to avert the death of the woman or for which a delay necessary to comply~~  
33 ~~with the applicable statutory requirements will create serious risk of~~  
34 ~~substantial and irreversible physical impairment of a major bodily~~  
35 ~~function. No condition shall be deemed a medical emergency if based on a~~  
36 ~~claim or diagnosis that the woman will engage in conduct which would~~  
37 ~~result in her death or in substantial and irreversible physical impairment of~~  
38 ~~a major bodily function.~~

39 Sec. 19. K.S.A. 2024 Supp. 79-32,182b is hereby amended to read as  
40 follows: 79-32,182b. (a) For all taxable years commencing after December  
41 31, 2022, a credit shall be allowed against the tax imposed by the Kansas  
42 income tax act on the Kansas taxable income of a taxpayer for  
43 expenditures in research and development activities conducted within this

1 state in an amount equal to 10% of the amount by which the amount  
2 expended for such activities in the taxable year of the taxpayer exceeds the  
3 taxpayer's average of the actual expenditures for such purposes made in  
4 such taxable year and the next preceding two taxable years.

5 (b) In any one taxable year, the amount of such credit allowable for  
6 deduction from the taxpayer's tax liability shall not exceed 25% of the total  
7 amount of such credit plus any applicable carry forward amount. The  
8 amount by which that portion of the credit allowed by subsections (a) and  
9 (b) to be claimed in any one taxable year exceeds the taxpayer's tax  
10 liability in such year may be carried forward until the total amount of the  
11 credit is used.

12 (c) As used in this section, the term "expenditures in research and  
13 development activities" means expenditures made for such purposes, other  
14 than expenditures of moneys made available to the taxpayer pursuant to  
15 federal or state law, ~~which~~ *that* are treated as expenses allowable for  
16 deduction under the provisions of the federal internal revenue code of  
17 1986, as amended, except that for taxable years commencing after  
18 December 31, 2013, expenditures in research and development activities  
19 shall not include any expenditures for the performance of any abortion, as  
20 defined in ~~K.S.A. 65-6704~~ *section 4*, and amendments thereto.

21 (d) For tax year 2023 and all tax years thereafter, the income tax  
22 credit allowed pursuant to this section shall be transferable by a taxpayer  
23 without a current tax liability. The tax credit may be transferred to any  
24 person and be claimed by the transferee as a credit against the transferee's  
25 Kansas income tax liability in the tax year when it was transferred. The  
26 credit shall be claimed and may be carried forward by the transferee as  
27 provided and limited by subsection (b). No person shall be entitled to a  
28 refund for the transferred tax credit. Only the full credit may be  
29 transferred, and the credit may only be transferred one time.  
30 Documentation of any credit acquired by transfer shall be provided by the  
31 taxpayer or the transferee in the manner required by the secretary of  
32 revenue.

33 Sec. 20. K.S.A. 79-32,195 is hereby amended to read as follows: 79-  
34 32,195. As used in this act, the following words and phrases shall have the  
35 meanings ascribed to them herein: (a) "Business firm" means any business  
36 entity authorized to do business in the state of Kansas ~~which~~ *that* is subject  
37 to the state income tax imposed by the provisions of the Kansas income  
38 tax act, any individual subject to the state income tax imposed by the  
39 provisions of the Kansas income tax act, any national banking association,  
40 state bank, trust company or savings and loan association paying an annual  
41 tax on its net income pursuant to article 11 of chapter 79 of the Kansas  
42 Statutes Annotated, and amendments thereto, or any insurance company  
43 paying the premium tax and privilege fees imposed pursuant to K.S.A. 40-

1 252, and amendments thereto;

2 (b) "Community services" means:

3 (1) The conduct of activities~~—which that~~ meet a demonstrated  
4 community need and~~—which that~~ are designed to achieve improved  
5 educational and social services for Kansas children and their families, and  
6 ~~which that~~ are coordinated with communities including, but not limited to,  
7 social and human services organizations that address the causes of poverty  
8 through programs and services that assist low income persons in the areas  
9 of employment, food, housing, emergency assistance and~~—health care—~~  
10 ~~healthcare~~;

11 (2) crime prevention;

12 (3) ~~health care~~healthcare services; and

13 (4) youth apprenticeship and technical training.

14 (c) "Crime prevention" means any nongovernmental activity~~—which~~  
15 ~~that~~ aids in the prevention of crime.

16 (d) "Youth apprenticeship and technical training" means conduct of  
17 activities~~—which that~~ are designed to improve the access to and quality of  
18 apprenticeship and technical training~~—which that~~ support an emphasis on  
19 rural construction projects as well as the necessary equipment, facilities  
20 and supportive mentorship for youth apprenticeships and technical  
21 training.

22 (e) "Community service organization" means any organization  
23 performing community services in Kansas~~—and which that~~:

24 (1) Has obtained a ruling from the internal revenue service of the  
25 United States department of the treasury that such organization is exempt  
26 from income taxation under the provisions of section 501(c)(3) of the  
27 federal internal revenue code; or

28 (2) is incorporated in the state of Kansas or another state as a  
29 nonstock, nonprofit corporation; or

30 (3) has been designated as a community development corporation by  
31 the United States government under the provisions of title VII of the  
32 economic opportunity act of 1964; or

33 (4) is chartered by the United States congress.

34 (f) "Contributions"~~—shall mean and include~~ *means and includes* the  
35 donation of cash, services or property other than used clothing in an  
36 amount or value of \$250 or more. Stocks and bonds contributed shall be  
37 valued at the stock market price on the date of transfer. Services  
38 contributed shall be valued at the standard billing rate for not-for-profit  
39 clients. Personal property items contributed shall be valued at the lesser of  
40 its fair market value or cost to the donor and may be inclusive of costs  
41 incurred in making the contribution, but shall not include sales tax.  
42 Contributions of real estate are allowable for credit only when title thereto  
43 is in fee simple absolute and is clear of any encumbrances. The amount of

1 credit allowable shall be based upon the lesser of two current independent  
2 appraisals conducted by state licensed appraisers.

3 (g) "~~Health care~~*Healthcare* services" ~~shall include, but not be~~  
4 *includes, but is not* limited to, the following: Services provided by local  
5 health departments, city, county or district hospitals, city or county nursing  
6 homes, or other residential institutions, preventive ~~health care~~ *healthcare*  
7 services offered by a community service organization including  
8 immunizations, prenatal care, the postponement of entry into nursing  
9 homes by home ~~health care~~ *healthcare* services, and community based  
10 services for persons with a disability, mental health services, indigent  
11 ~~health care~~ *healthcare*, physician or ~~health care~~ *healthcare* worker  
12 recruitment, health education, emergency medical services, services  
13 provided by rural health clinics, integration of ~~health care~~ *healthcare*  
14 services, home health services and services provided by rural health  
15 networks, except that for taxable years commencing after December 31,  
16 2013, ~~health care~~ *healthcare* services ~~shall~~ *does* not include any service  
17 involving the performance of any abortion, as defined in ~~K.S.A. 65-6701~~  
18 *section 4*, and amendments thereto.

19 (h) "Rural community" means any city having a population of fewer  
20 than 15,000 located in a county that is not part of a standard metropolitan  
21 statistical area as defined by the United States department of commerce or  
22 its successor agency. However, any such city located in a county defined  
23 as a standard metropolitan statistical area shall be deemed a rural  
24 community if a substantial number of persons in such county derive their  
25 income from agriculture and, in any county where there is only one city  
26 within the county ~~which that~~ has a population of more than 15,000 and  
27 ~~which that~~ classifies as a standard metropolitan statistical area, all other  
28 cities in that county having a population of less than 15,000 shall be  
29 deemed a rural community.

30 Sec. 21. K.S.A. 2024 Supp. 79-32,261 is hereby amended to read as  
31 follows: 79-32,261. (a) (1) On and after July 1, 2008, any taxpayer who  
32 contributes in the manner prescribed by this paragraph to a community  
33 college located in Kansas for capital improvements, to a technical college  
34 for deferred maintenance or the purchase of technology or equipment or to  
35 a postsecondary educational institution located in Kansas for deferred  
36 maintenance, shall be allowed a credit against the tax imposed by the  
37 Kansas income tax act, the premium tax or privilege fees imposed  
38 pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as  
39 measured by net income of financial institutions imposed pursuant to  
40 article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments  
41 thereto. The tax credit allowed by this paragraph is applicable for the tax  
42 year 2008 for any contributions made on and after July 1, 2008, and for the  
43 tax years 2009, 2010, 2011 and 2012 for any contributions made during

1 the entire tax year. The amount of the credit allowed by this paragraph  
2 shall not exceed 60% of the total amount contributed during the taxable  
3 year by the taxpayer to a community college or a technical college located  
4 in Kansas for such purposes. The amount of the credit allowed by this  
5 paragraph shall not exceed 50% of the total amount contributed during the  
6 taxable year by the taxpayer to a postsecondary educational institution for  
7 such purposes. If the amount of the credit allowed by this paragraph for a  
8 taxpayer who contributes to a community college or a technical college  
9 exceeds the taxpayer's income tax liability imposed by the Kansas income  
10 tax act, such excess amount shall be refunded to the taxpayer. If the  
11 amount of the tax credit for a taxpayer who contributes to a postsecondary  
12 educational institution exceeds the taxpayer's income tax liability for the  
13 taxable year, the amount ~~which~~ *that* exceeds the tax liability may be  
14 carried over for deduction from the taxpayer's income tax liability in the  
15 next succeeding taxable year or years until the total amount of the tax  
16 credit has been deducted from tax liability, except that no such tax credit  
17 shall be carried over for deduction after the third taxable year succeeding  
18 the taxable year in which the contribution is made. Prior to the issuance of  
19 any tax credits pursuant to this paragraph, the structure of the process in  
20 which contributions received by a community college, a technical college  
21 or a postsecondary educational institution qualify as tax credits allowed  
22 and issued pursuant to this paragraph shall be developed by a community  
23 college, a technical college and a postsecondary educational institution in  
24 consultation with the secretary of revenue and the foundation or  
25 endowment association of any such community college, technical college  
26 or postsecondary educational institution in a manner that complies with  
27 requirements specified in the federal internal revenue code of 1986, as  
28 amended, so that contributions qualify as charitable contributions  
29 allowable as deductions from federal adjusted gross income.

30 (2) On and after July 1, 2022, any taxpayer who contributes in the  
31 manner prescribed by this paragraph to a community college or technical  
32 college located in Kansas for capital improvements, deferred maintenance  
33 or the purchase of technology or equipment shall be allowed a credit  
34 against the tax imposed by the Kansas income tax act, the premium tax or  
35 privilege fees imposed pursuant to K.S.A. 40-252, and amendments  
36 thereto, or the privilege tax as measured by net income of financial  
37 institutions imposed pursuant to article 11 of chapter 79 of the Kansas  
38 Statutes Annotated, and amendments thereto. The tax credit allowed by  
39 this paragraph is applicable for the tax year 2022 for any contributions  
40 made on and after July 1, 2022, and for the tax years 2023, 2024, 2025 and  
41 2026 for any contributions made during the entire tax year. The amount of  
42 the credit allowed by this paragraph shall equal 60% of the total amount  
43 contributed during the taxable year by the taxpayer to a community college

1 or a technical college located in Kansas for such purposes. Prior to the  
2 issuance of any tax credits pursuant to this paragraph, the structure of the  
3 process in which contributions received by a community college or  
4 technical college qualify as tax credits allowed and issued pursuant to this  
5 paragraph shall be developed by a community college and technical  
6 college in consultation with the secretary of revenue and the foundation or  
7 endowment association of any such community college or technical  
8 college in a manner that complies with requirements specified in the  
9 federal internal revenue code of 1986, as amended, so that contributions  
10 qualify as charitable contributions allowable as deductions from federal  
11 adjusted gross income.

12 (b) (1) Upon receipt of any contributions to a community college  
13 made pursuant to the provisions of subsection (a)(1), the treasurer of the  
14 community college shall deposit such contributions to the credit of the  
15 capital outlay fund of such community college established as provided by  
16 K.S.A. 71-501a, and amendments thereto. Expenditures from such fund  
17 shall be made for the purposes described in K.S.A. 71-501(a), and  
18 amendments thereto, except that expenditures shall not be made from such  
19 fund for new construction or the acquisition of real property for use as  
20 building sites or for educational programs.

21 (2) Upon receipt of any contributions to a technical college made  
22 pursuant to the provisions of subsection (a)(1), such contributions shall be  
23 deposited to the credit of a deferred maintenance fund or a technology and  
24 equipment fund established by the technical college ~~which~~ received the  
25 contribution. Expenditures from such fund shall be made only for the  
26 purpose as provided in subsection (b)(1).

27 (3) Upon receipt of any such contributions to a postsecondary  
28 educational institution made pursuant to the provisions of subsection (a)  
29 (1), such contributions shall be deposited to the credit of the appropriate  
30 deferred maintenance support fund of the postsecondary educational  
31 institution that received the contribution. Expenditures from such fund  
32 shall be made only for the purposes designated for such fund pursuant to  
33 law.

34 (4) Upon receipt of any such contributions to a community college or  
35 technical college made pursuant to the provisions of subsection (a)(2), the  
36 treasurer of the community college or technical college shall deposit such  
37 contributions to the credit of the capital outlay fund of such community  
38 college or technical college established as provided by K.S.A. 71-501a,  
39 and amendments thereto. Expenditures from such fund shall be made for  
40 the purposes designated for such fund pursuant to law.

41 (c) (1) In no event shall the total amount of credits allowed under  
42 subsection (a)(1) for taxpayers who contribute to any one such community  
43 college or technical college exceed the following amounts: For the tax year

1 2008, an amount not to exceed \$78,125; for the tax year 2009, an amount  
2 not to exceed \$156,250; and for the tax years 2010, 2011 and 2012, an  
3 amount not to exceed \$208,233.33.

4 (2) In no event shall the total of credits allowed under subsection (a)  
5 (1) for taxpayers who contribute to postsecondary educational institutions  
6 exceed the following amounts: For the tax year 2008, an amount not to  
7 exceed \$5,625,000; for the tax year 2009, an amount not to exceed  
8 \$11,250,000; and for the tax years 2010, 2011 and 2012, an amount not to  
9 exceed \$15,000,000. Except as otherwise provided, the allocation of such  
10 tax credits for each individual state educational institution shall be  
11 determined by the state board of regents in consultation with the secretary  
12 of revenue and the university foundation or endowment association of  
13 each postsecondary educational institution, and such determination shall  
14 be completed prior to the issuance of any tax credits pursuant to subsection  
15 (a)(1). Not more than 40% of the total of credits allowed under subsection  
16 (a)(1) shall be allocated to any one postsecondary educational institution  
17 unless all such postsecondary educational institutions approve an  
18 allocation to any one such postsecondary educational institution ~~which~~  
19 *that* exceeds 40% of the total of such credits allowed under subsection (a)  
20 (1).

21 (3) For the tax years 2022 through 2026, the amount of such credit  
22 awarded under subsection (a)(2) for each taxpayer shall not exceed  
23 \$250,000 per tax year.

24 (4) In no event shall the total of credits allowed under subsection (a)  
25 (2) for contributions to any one community college or technical college  
26 exceed \$500,000 per tax year.

27 (5) In no event shall the total of credits allowed under subsection (a)  
28 (2) exceed \$5,000,000 for each tax year that the credit remains in effect.

29 (d) As used in this section: (1) "Community college" means a  
30 community college established under the provisions of the community  
31 college act;

32 (2) "deferred maintenance" means the maintenance, repair,  
33 reconstruction or rehabilitation of a building located at a technical college  
34 or a postsecondary educational institution ~~which~~ *that* has been deferred,  
35 any utility systems relating to such building, any life-safety upgrades to  
36 such building and any improvements necessary to be made to such  
37 building in order to comply with the requirements of the Americans with  
38 disabilities act or other federal or state law, except that for taxable years  
39 commencing after December 31, 2013, deferred maintenance shall not  
40 include any maintenance, repair, reconstruction or rehabilitation of any  
41 building in which any abortion, as defined in ~~K.S.A. 65-6701~~ *section 4*,  
42 and amendments thereto, is performed;

43 (3) "postsecondary educational institution" means the university of

1 Kansas, Kansas state university of agriculture and applied science, Wichita  
2 state university, Emporia state university, Pittsburg state university, Fort  
3 Hays state university and Washburn university of Topeka; and

4 (4) "technical college" means a technical college as designated  
5 pursuant to K.S.A. 74-32,458, 74-32,460, 74-32,461, 74-32,462, 74-  
6 32,464 and 74-32,465, and amendments thereto, and the institute of  
7 technology at Washburn university.

8 (e) (1) Any taxpayer not subject to Kansas income, privilege or  
9 premiums tax who contributes to a community college, technical college  
10 or postsecondary educational institution, hereinafter designated the  
11 transferor, may sell, assign, convey or otherwise transfer tax credits  
12 allowed and earned pursuant to this section. The sale price of a tax credit  
13 shall be at least 50% of the full value of the credit. Such credit shall be  
14 deemed to be allowed and earned by any such taxpayer ~~which~~ *that* is only  
15 disqualified therefrom by reason of not being subject to such Kansas taxes.  
16 The taxpayer acquiring earned credits, hereinafter designated the  
17 transferee, may use the amount of the acquired credits to offset up to 100%  
18 of the taxpayer's income, privilege or premiums tax liability for the taxable  
19 year in which such acquisition was made. Such credits may be sold or  
20 transferred only one time and, if sold or transferred, shall be transferred  
21 in the tax year such credit is earned or the two successive tax years. A  
22 transferred credit shall be claimed in the year purchased. The transferor  
23 shall enter into a written agreement with the transferee establishing the  
24 terms and conditions of the sale or transfer and shall perfect such transfer  
25 by notifying the secretary of revenue in writing within 30 calendar days  
26 following the effective date of the transfer, subject to the review and  
27 approval or denial of such transfer by the secretary of revenue. The  
28 transferor and transferee shall provide any information pertaining to the  
29 sale or transfer as may be required by the secretary of revenue to  
30 administer and carry out the provisions of this section. The amount  
31 received by the transferor of such tax credit shall be taxable as income of  
32 the transferor, and the excess of the value of such credit over the amount  
33 paid by the transferee for such credit shall be taxable as income of the  
34 transferee.

35 (2) The provisions of this subsection shall not apply to tax credits  
36 earned pursuant to subsection (a)(2).

37 (f) The secretary of revenue shall submit an annual report to the  
38 legislature to assist the legislature in the evaluation of the utilization of any  
39 credits claimed pursuant to this act, including information specific as to  
40 each community college, technical college or postsecondary educational  
41 institution. Such report shall be due on or before the first day of the  
42 legislative session following the tax year in which the credits were  
43 claimed.



1 (g) The secretary of revenue shall adopt rules and regulations  
2 necessary to administer the provisions of this section.

3 Sec. 22. K.S.A. 2024 Supp. 79-3606 is hereby amended to read as  
4 follows: 79-3606. The following shall be exempt from the tax imposed by  
5 this act:

6 (a) All sales of motor-vehicle fuel or other articles upon which a sales  
7 or excise tax has been paid, not subject to refund, under the laws of this  
8 state except cigarettes and electronic cigarettes as defined by K.S.A. 79-  
9 3301, and amendments thereto, including consumable material for such  
10 electronic cigarettes, cereal malt beverages and malt products as defined  
11 by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt,  
12 malt syrup and malt extract, that is not subject to taxation under the  
13 provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles  
14 taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed  
15 pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and  
16 laundry services taxed pursuant to K.S.A. 65-34,150, and amendments  
17 thereto, and gross receipts from regulated sports contests taxed pursuant  
18 to the Kansas professional regulated sports act, and amendments thereto;

19 (b) all sales of tangible personal property or service, including the  
20 renting and leasing of tangible personal property, purchased directly by the  
21 state of Kansas, a political subdivision thereof, other than a school or  
22 educational institution, or purchased by a public or private nonprofit  
23 hospital, public hospital authority, nonprofit blood, tissue or organ bank or  
24 nonprofit integrated community care organization and used exclusively for  
25 state, political subdivision, hospital, public hospital authority, nonprofit  
26 blood, tissue or organ bank or nonprofit integrated community care  
27 organization purposes, except when: (1) Such state, hospital or public  
28 hospital authority is engaged or proposes to engage in any business  
29 specifically taxable under the provisions of this act and such items of  
30 tangible personal property or service are used or proposed to be used in  
31 such business; or (2) such political subdivision is engaged or proposes to  
32 engage in the business of furnishing gas, electricity or heat to others and  
33 such items of personal property or service are used or proposed to be used  
34 in such business;

35 (c) all sales of tangible personal property or services, including the  
36 renting and leasing of tangible personal property, purchased directly by a  
37 public or private elementary or secondary school or public or private  
38 nonprofit educational institution and used primarily by such school or  
39 institution for nonsectarian programs and activities provided or sponsored  
40 by such school or institution or in the erection, repair or enlargement of  
41 buildings to be used for such purposes. The exemption herein provided  
42 shall not apply to erection, construction, repair, enlargement or equipment  
43 of buildings used primarily for human habitation, except that such

1 exemption shall apply to the erection, construction, repair, enlargement or  
2 equipment of buildings used for human habitation by the cerebral palsy  
3 research foundation of Kansas located in Wichita, Kansas, multi  
4 community diversified services, incorporated, located in McPherson,  
5 Kansas, the Kansas state school for the blind and the Kansas state school  
6 for the deaf;

7 (d) all sales of tangible personal property or services purchased by a  
8 contractor for the purpose of constructing, equipping, reconstructing,  
9 maintaining, repairing, enlarging, furnishing or remodeling facilities for  
10 any public or private nonprofit hospital or public hospital authority, public  
11 or private elementary or secondary school, a public or private nonprofit  
12 educational institution, state correctional institution including a privately  
13 constructed correctional institution contracted for state use and ownership,  
14 that would be exempt from taxation under the provisions of this act if  
15 purchased directly by such hospital or public hospital authority, school,  
16 educational institution or a state correctional institution; and all sales of  
17 tangible personal property or services purchased by a contractor for the  
18 purpose of constructing, equipping, reconstructing, maintaining, repairing,  
19 enlarging, furnishing or remodeling facilities for any political subdivision  
20 of the state or district described in subsection (s), the total cost of which is  
21 paid from funds of such political subdivision or district and that would be  
22 exempt from taxation under the provisions of this act if purchased directly  
23 by such political subdivision or district. Nothing in this subsection or in  
24 the provisions of K.S.A. 12-3418, and amendments thereto, shall be  
25 deemed to exempt the purchase of any construction machinery, equipment  
26 or tools used in the constructing, equipping, reconstructing, maintaining,  
27 repairing, enlarging, furnishing or remodeling facilities for any political  
28 subdivision of the state or any such district. As used in this subsection,  
29 K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a  
30 political subdivision" shall mean general tax revenues, the proceeds of any  
31 bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the  
32 purpose of constructing, equipping, reconstructing, repairing, enlarging,  
33 furnishing or remodeling facilities that are to be leased to the donor. When  
34 any political subdivision of the state, district described in subsection (s),  
35 public or private nonprofit hospital or public hospital authority, public or  
36 private elementary or secondary school, public or private nonprofit  
37 educational institution, state correctional institution including a privately  
38 constructed correctional institution contracted for state use and ownership  
39 shall contract for the purpose of constructing, equipping, reconstructing,  
40 maintaining, repairing, enlarging, furnishing or remodeling facilities, it  
41 shall obtain from the state and furnish to the contractor an exemption  
42 certificate for the project involved, and the contractor may purchase  
43 materials for incorporation in such project. The contractor shall furnish the

1 number of such certificate to all suppliers from whom such purchases are  
2 made, and such suppliers shall execute invoices covering the same bearing  
3 the number of such certificate. Upon completion of the project the  
4 contractor shall furnish to the political subdivision, district described in  
5 subsection (s), hospital or public hospital authority, school, educational  
6 institution or department of corrections concerned a sworn statement, on a  
7 form to be provided by the director of taxation, that all purchases so made  
8 were entitled to exemption under this subsection. As an alternative to the  
9 foregoing procedure, any such contracting entity may apply to the  
10 secretary of revenue for agent status for the sole purpose of issuing and  
11 furnishing project exemption certificates to contractors pursuant to rules  
12 and regulations adopted by the secretary establishing conditions and  
13 standards for the granting and maintaining of such status. All invoices  
14 shall be held by the contractor for a period of five years and shall be  
15 subject to audit by the director of taxation. If any materials purchased  
16 under such a certificate are found not to have been incorporated in the  
17 building or other project or not to have been returned for credit or the sales  
18 or compensating tax otherwise imposed upon such materials that will not  
19 be so incorporated in the building or other project reported and paid by  
20 such contractor to the director of taxation not later than the 20<sup>th</sup> day of the  
21 month following the close of the month in which it shall be determined  
22 that such materials will not be used for the purpose for which such  
23 certificate was issued, the political subdivision, district described in  
24 subsection (s), hospital or public hospital authority, school, educational  
25 institution or the contractor contracting with the department of corrections  
26 for a correctional institution concerned shall be liable for tax on all  
27 materials purchased for the project, and upon payment thereof it may  
28 recover the same from the contractor together with reasonable attorney  
29 fees. Any contractor or any agent, employee or subcontractor thereof, who  
30 shall use or otherwise dispose of any materials purchased under such a  
31 certificate for any purpose other than that for which such a certificate is  
32 issued without the payment of the sales or compensating tax otherwise  
33 imposed upon such materials, shall be guilty of a misdemeanor and, upon  
34 conviction therefor, shall be subject to the penalties provided for in K.S.A.  
35 79-3615(h), and amendments thereto;

36 (e) all sales of tangible personal property or services purchased by a  
37 contractor for the erection, repair or enlargement of buildings or other  
38 projects for the government of the United States, its agencies or  
39 instrumentalities, that would be exempt from taxation if purchased directly  
40 by the government of the United States, its agencies or instrumentalities.  
41 When the government of the United States, its agencies or  
42 instrumentalities shall contract for the erection, repair, or enlargement of  
43 any building or other project, it shall obtain from the state and furnish to

1 the contractor an exemption certificate for the project involved, and the  
2 contractor may purchase materials for incorporation in such project. The  
3 contractor shall furnish the number of such certificates to all suppliers  
4 from whom such purchases are made, and such suppliers shall execute  
5 invoices covering the same bearing the number of such certificate. Upon  
6 completion of the project the contractor shall furnish to the government of  
7 the United States, its agencies or instrumentalities concerned a sworn  
8 statement, on a form to be provided by the director of taxation, that all  
9 purchases so made were entitled to exemption under this subsection. As an  
10 alternative to the foregoing procedure, any such contracting entity may  
11 apply to the secretary of revenue for agent status for the sole purpose of  
12 issuing and furnishing project exemption certificates to contractors  
13 pursuant to rules and regulations adopted by the secretary establishing  
14 conditions and standards for the granting and maintaining of such status.  
15 All invoices shall be held by the contractor for a period of five years and  
16 shall be subject to audit by the director of taxation. Any contractor or any  
17 agent, employee or subcontractor thereof, who shall use or otherwise  
18 dispose of any materials purchased under such a certificate for any purpose  
19 other than that for which such a certificate is issued without the payment  
20 of the sales or compensating tax otherwise imposed upon such materials,  
21 shall be guilty of a misdemeanor and, upon conviction therefor, shall be  
22 subject to the penalties provided for in K.S.A. 79-3615(h), and  
23 amendments thereto;

24 (f) tangible personal property purchased by a railroad or public utility  
25 for consumption or movement directly and immediately in interstate  
26 commerce;

27 (g) sales of aircraft including remanufactured and modified aircraft  
28 sold to persons using directly or through an authorized agent such aircraft  
29 as certified or licensed carriers of persons or property in interstate or  
30 foreign commerce under authority of the laws of the United States or any  
31 foreign government or sold to any foreign government or agency or  
32 instrumentality of such foreign government and all sales of aircraft for use  
33 outside of the United States and sales of aircraft repair, modification and  
34 replacement parts and sales of services employed in the remanufacture,  
35 modification and repair of aircraft;

36 (h) all rentals of nonsectarian textbooks by public or private  
37 elementary or secondary schools;

38 (i) the lease or rental of all films, records, tapes, or any type of sound  
39 or picture transcriptions used by motion picture exhibitors;

40 (j) meals served without charge or food used in the preparation of  
41 such meals to employees of any restaurant, eating house, dining car, hotel,  
42 drugstore or other place where meals or drinks are regularly sold to the  
43 public if such employees' duties are related to the furnishing or sale of

1 such meals or drinks;

2 (k) any motor vehicle, semitrailer or pole trailer, as such terms are  
3 defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and  
4 delivered in this state to a bona fide resident of another state, which motor  
5 vehicle, semitrailer, pole trailer or aircraft is not to be registered or based  
6 in this state and which vehicle, semitrailer, pole trailer or aircraft will not  
7 remain in this state more than 10 days;

8 (l) all isolated or occasional sales of tangible personal property,  
9 services, substances or things, except isolated or occasional sale of motor  
10 vehicles specifically taxed under the provisions of K.S.A. 79-3603(o), and  
11 amendments thereto;

12 (m) all sales of tangible personal property that become an ingredient  
13 or component part of tangible personal property or services produced,  
14 manufactured or compounded for ultimate sale at retail within or without  
15 the state of Kansas; and any such producer, manufacturer or compounder  
16 may obtain from the director of taxation and furnish to the supplier an  
17 exemption certificate number for tangible personal property for use as an  
18 ingredient or component part of the property or services produced,  
19 manufactured or compounded;

20 (n) all sales of tangible personal property that is consumed in the  
21 production, manufacture, processing, mining, drilling, refining or  
22 compounding of tangible personal property, the treating of by-products or  
23 wastes derived from any such production process, the providing of  
24 services or the irrigation of crops for ultimate sale at retail within or  
25 without the state of Kansas; and any purchaser of such property may  
26 obtain from the director of taxation and furnish to the supplier an  
27 exemption certificate number for tangible personal property for  
28 consumption in such production, manufacture, processing, mining,  
29 drilling, refining, compounding, treating, irrigation and in providing such  
30 services;

31 (o) all sales of animals, fowl and aquatic plants and animals, the  
32 primary purpose of which is use in agriculture or aquaculture, as defined in  
33 K.S.A. 47-1901, and amendments thereto, the production of food for  
34 human consumption, the production of animal, dairy, poultry or aquatic  
35 plant and animal products, fiber or fur, or the production of offspring for  
36 use for any such purpose or purposes;

37 (p) all sales of drugs dispensed pursuant to a prescription order by a  
38 licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-  
39 1626, and amendments thereto. As used in this subsection, "drug" means a  
40 compound, substance or preparation and any component of a compound,  
41 substance or preparation, other than food and food ingredients, dietary  
42 supplements or alcoholic beverages, recognized in the official United  
43 States pharmacopeia, official homeopathic pharmacopoeia of the United

1 States or official national formulary, and supplement to any of them,  
2 intended for use in the diagnosis, cure, mitigation, treatment or prevention  
3 of disease or intended to affect the structure or any function of the body,  
4 except that for taxable years commencing after December 31, 2013, this  
5 subsection shall not apply to any sales of drugs used in the performance or  
6 induction of an abortion, as defined in ~~K.S.A. 65-6701~~ *section 4*, and  
7 amendments thereto;

8 (q) all sales of insulin dispensed by a person licensed by the state  
9 board of pharmacy to a person for treatment of diabetes at the direction of  
10 a person licensed to practice medicine by the state board of healing arts;

11 (r) all sales of oxygen delivery equipment, kidney dialysis equipment,  
12 enteral feeding systems, prosthetic devices and mobility enhancing  
13 equipment prescribed in writing by a person licensed to practice the  
14 healing arts, dentistry or optometry, and in addition to such sales, all sales  
15 of hearing aids, as defined by K.S.A. 74-5807(c), and amendments thereto,  
16 and repair and replacement parts therefor, including batteries, by a person  
17 licensed in the practice of dispensing and fitting hearing aids pursuant to  
18 the provisions of K.S.A. 74-5808, and amendments thereto. For the  
19 purposes of this subsection: (1) "Mobility enhancing equipment" means  
20 equipment including repair and replacement parts to same, but does not  
21 include durable medical equipment, ~~which~~ *that* is primarily and  
22 customarily used to provide or increase the ability to move from one place  
23 to another and ~~which is~~ appropriate for use either in a home or a motor  
24 vehicle; is not generally used by persons with normal mobility; and does  
25 not include any motor vehicle or equipment on a motor vehicle normally  
26 provided by a motor vehicle manufacturer; and (2) "prosthetic device"  
27 means a replacement, corrective or supportive device including repair and  
28 replacement parts for same worn on or in the body to artificially replace a  
29 missing portion of the body, prevent or correct physical deformity or  
30 malfunction or support a weak or deformed portion of the body;

31 (s) except as provided in K.S.A. 82a-2101, and amendments thereto,  
32 all sales of tangible personal property or services purchased directly or  
33 indirectly by a groundwater management district organized or operating  
34 under the authority of K.S.A. 82a-1020 et seq., and amendments thereto,  
35 by a rural water district organized or operating under the authority of  
36 K.S.A. 82a-612, and amendments thereto, or by a water supply district  
37 organized or operating under the authority of K.S.A. 19-3501 et seq., 19-  
38 3522 et seq. or 19-3545, and amendments thereto, which property or  
39 services are used in the construction activities, operation or maintenance of  
40 the district;

41 (t) all sales of farm machinery and equipment or aquaculture  
42 machinery and equipment, repair and replacement parts therefor and  
43 services performed in the repair and maintenance of such machinery and

1 equipment. For the purposes of this subsection the term "farm machinery  
2 and equipment or aquaculture machinery and equipment" shall include a  
3 work-site utility vehicle, as defined in K.S.A. 8-126, and amendments  
4 thereto, and is equipped with a bed or cargo box for hauling materials, and  
5 shall also include machinery and equipment used in the operation of  
6 Christmas tree farming but shall not include any passenger vehicle, truck,  
7 truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as  
8 such terms are defined by K.S.A. 8-126, and amendments thereto. "Farm  
9 machinery and equipment" includes precision farming equipment that is  
10 portable or is installed or purchased to be installed on farm machinery and  
11 equipment. "Precision farming equipment" includes the following items  
12 used only in computer-assisted farming, ranching or aquaculture  
13 production operations: Soil testing sensors, yield monitors, computers,  
14 monitors, software, global positioning and mapping systems, guiding  
15 systems, modems, data communications equipment and any necessary  
16 mounting hardware, wiring and antennas. Each purchaser of farm  
17 machinery and equipment or aquaculture machinery and equipment  
18 exempted herein must certify in writing on the copy of the invoice or sales  
19 ticket to be retained by the seller that the farm machinery and equipment  
20 or aquaculture machinery and equipment purchased will be used only in  
21 farming, ranching or aquaculture production. Farming or ranching shall  
22 include the operation of a feedlot and farm and ranch work for hire and the  
23 operation of a nursery;

24 (u) all leases or rentals of tangible personal property used as a  
25 dwelling if such tangible personal property is leased or rented for a period  
26 of more than 28 consecutive days;

27 (v) all sales of tangible personal property to any contractor for use in  
28 preparing meals for delivery to homebound elderly persons over 60 years  
29 of age and to homebound disabled persons or to be served at a group-  
30 sitting at a location outside of the home to otherwise homebound elderly  
31 persons over 60 years of age and to otherwise homebound disabled  
32 persons, as all or part of any food service project funded in whole or in  
33 part by government or as part of a private nonprofit food service project  
34 available to all such elderly or disabled persons residing within an area of  
35 service designated by the private nonprofit organization, and all sales of  
36 tangible personal property for use in preparing meals for consumption by  
37 indigent or homeless individuals whether or not such meals are consumed  
38 at a place designated for such purpose, and all sales of food products by or  
39 on behalf of any such contractor or organization for any such purpose;

40 (w) all sales of natural gas, electricity, heat and water delivered  
41 through mains, lines or pipes: (1) To residential premises for  
42 noncommercial use by the occupant of such premises; (2) for agricultural  
43 use and also, for such use, all sales of propane gas; (3) for use in the

1 severing of oil; and (4) to any property ~~which~~ *that* is exempt from property  
2 taxation pursuant to K.S.A. 79-201b, Second through Sixth. As used in this  
3 paragraph, "severing" means the same as defined in K.S.A. 79-4216(k),  
4 and amendments thereto. For all sales of natural gas, electricity and heat  
5 delivered through mains, lines or pipes pursuant to the provisions of  
6 subsection (w)(1) and (w)(2), the provisions of this subsection shall expire  
7 on December 31, 2005;

8 (x) all sales of propane gas, LP-gas, coal, wood and other fuel sources  
9 for the production of heat or lighting for noncommercial use of an  
10 occupant of residential premises occurring prior to January 1, 2006;

11 (y) all sales of materials and services used in the repairing, servicing,  
12 altering, maintaining, manufacturing, remanufacturing, or modification of  
13 railroad rolling stock for use in interstate or foreign commerce under  
14 authority of the laws of the United States;

15 (z) all sales of tangible personal property and services purchased  
16 directly by a port authority or by a contractor therefor as provided by the  
17 provisions of K.S.A. 12-3418, and amendments thereto;

18 (aa) all sales of materials and services applied to equipment that is  
19 transported into the state from without the state for repair, service,  
20 alteration, maintenance, remanufacture or modification and that is  
21 subsequently transported outside the state for use in the transmission of  
22 liquids or natural gas by means of pipeline in interstate or foreign  
23 commerce under authority of the laws of the United States;

24 (bb) all sales of used mobile homes or manufactured homes. As used  
25 in this subsection: (1) "Mobile homes" and "manufactured homes" mean  
26 the same as defined in K.S.A. 58-4202, and amendments thereto; and (2)  
27 "sales of used mobile homes or manufactured homes" means sales other  
28 than the original retail sale thereof;

29 (cc) all sales of tangible personal property or services purchased prior  
30 to January 1, 2012, except as otherwise provided, for the purpose of and in  
31 conjunction with constructing, reconstructing, enlarging or remodeling a  
32 business or retail business that meets the requirements established in  
33 K.S.A. 74-50,115, and amendments thereto, and the sale and installation of  
34 machinery and equipment purchased for installation at any such business  
35 or retail business, and all sales of tangible personal property or services  
36 purchased on or after January 1, 2012, for the purpose of and in  
37 conjunction with constructing, reconstructing, enlarging or remodeling a  
38 business that meets the requirements established in K.S.A. 74-50,115(e),  
39 and amendments thereto, and the sale and installation of machinery and  
40 equipment purchased for installation at any such business. When a person  
41 shall contract for the construction, reconstruction, enlargement or  
42 remodeling of any such business or retail business, such person shall  
43 obtain from the state and furnish to the contractor an exemption certificate



1 for the project involved, and the contractor may purchase materials,  
2 machinery and equipment for incorporation in such project. The contractor  
3 shall furnish the number of such certificates to all suppliers from whom  
4 such purchases are made, and such suppliers shall execute invoices  
5 covering the same bearing the number of such certificate. Upon  
6 completion of the project the contractor shall furnish to the owner of the  
7 business or retail business a sworn statement, on a form to be provided by  
8 the director of taxation, that all purchases so made were entitled to  
9 exemption under this subsection. All invoices shall be held by the  
10 contractor for a period of five years and shall be subject to audit by the  
11 director of taxation. Any contractor or any agent, employee or  
12 subcontractor thereof, who shall use or otherwise dispose of any materials,  
13 machinery or equipment purchased under such a certificate for any  
14 purpose other than that for which such a certificate is issued without the  
15 payment of the sales or compensating tax otherwise imposed thereon, shall  
16 be guilty of a misdemeanor and, upon conviction therefor, shall be subject  
17 to the penalties provided for in K.S.A. 79-3615(h), and amendments  
18 thereto. As used in this subsection, "business" and "retail business" mean  
19 the same as defined in K.S.A. 74-50,114, and amendments thereto. Project  
20 exemption certificates that have been previously issued under this  
21 subsection by the department of revenue pursuant to K.S.A. 74-50,115,  
22 and amendments thereto, but not including K.S.A. 74-50,115(e), and  
23 amendments thereto, prior to January 1, 2012, and have not expired will be  
24 effective for the term of the project or two years from the effective date of  
25 the certificate, whichever occurs earlier. Project exemption certificates that  
26 are submitted to the department of revenue prior to January 1, 2012, and  
27 are found to qualify will be issued a project exemption certificate that will  
28 be effective for a two-year period or for the term of the project, whichever  
29 occurs earlier;

30 (dd) all sales of tangible personal property purchased with food  
31 stamps issued by the United States department of agriculture;

32 (ee) all sales of lottery tickets and shares made as part of a lottery  
33 operated by the state of Kansas;

34 (ff) on and after July 1, 1988, all sales of new mobile homes or  
35 manufactured homes to the extent of 40% of the gross receipts, determined  
36 without regard to any trade-in allowance, received from such sale. As used  
37 in this subsection, "mobile homes" and "manufactured homes" mean the  
38 same as defined in K.S.A. 58-4202, and amendments thereto;

39 (gg) all sales of tangible personal property purchased in accordance  
40 with vouchers issued pursuant to the federal special supplemental food  
41 program for women, infants and children;

42 (hh) all sales of medical supplies and equipment, including durable  
43 medical equipment, purchased directly by a nonprofit skilled nursing home

1 or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923,  
2 and amendments thereto, for the purpose of providing medical services to  
3 residents thereof. This exemption shall not apply to tangible personal  
4 property customarily used for human habitation purposes. As used in this  
5 subsection, "durable medical equipment" means equipment including  
6 repair and replacement parts for such equipment, that can withstand  
7 repeated use, is primarily and customarily used to serve a medical purpose,  
8 generally is not useful to a person in the absence of illness or injury and is  
9 not worn in or on the body, but does not include mobility enhancing  
10 equipment as defined in subsection (r), oxygen delivery equipment, kidney  
11 dialysis equipment or enteral feeding systems;

12 (ii) all sales of tangible personal property purchased directly by a  
13 nonprofit organization for nonsectarian comprehensive multidiscipline  
14 youth development programs and activities provided or sponsored by such  
15 organization, and all sales of tangible personal property by or on behalf of  
16 any such organization. This exemption shall not apply to tangible personal  
17 property customarily used for human habitation purposes;

18 (jj) all sales of tangible personal property or services, including the  
19 renting and leasing of tangible personal property, purchased directly on  
20 behalf of a community-based facility for people with intellectual disability  
21 or mental health center organized pursuant to K.S.A. 19-4001 et seq., and  
22 amendments thereto, and licensed in accordance with the provisions of  
23 K.S.A. 39-2001 et seq., and amendments thereto, and all sales of tangible  
24 personal property or services purchased by contractors during the time  
25 period from July, 2003, through June, 2006, for the purpose of  
26 constructing, equipping, maintaining or furnishing a new facility for a  
27 community-based facility for people with intellectual disability or mental  
28 health center located in Riverton, Cherokee County, Kansas, that would  
29 have been eligible for sales tax exemption pursuant to this subsection if  
30 purchased directly by such facility or center. This exemption shall not  
31 apply to tangible personal property customarily used for human habitation  
32 purposes;

33 (kk) (1) (A) all sales of machinery and equipment that are used in this  
34 state as an integral or essential part of an integrated production operation  
35 by a manufacturing or processing plant or facility;

36 (B) all sales of installation, repair and maintenance services  
37 performed on such machinery and equipment; and

38 (C) all sales of repair and replacement parts and accessories  
39 purchased for such machinery and equipment.

40 (2) For purposes of this subsection:

41 (A) "Integrated production operation" means an integrated series of  
42 operations engaged in at a manufacturing or processing plant or facility to  
43 process, transform or convert tangible personal property by physical,

1 chemical or other means into a different form, composition or character  
2 from that in which it originally existed. Integrated production operations  
3 shall include: (i) Production line operations, including packaging  
4 operations; (ii) preproduction operations to handle, store and treat raw  
5 materials; (iii) post production handling, storage, warehousing and  
6 distribution operations; and (iv) waste, pollution and environmental  
7 control operations, if any;

8 (B) "production line" means the assemblage of machinery and  
9 equipment at a manufacturing or processing plant or facility where the  
10 actual transformation or processing of tangible personal property occurs;

11 (C) "manufacturing or processing plant or facility" means a single,  
12 fixed location owned or controlled by a manufacturing or processing  
13 business that consists of one or more structures or buildings in a  
14 contiguous area where integrated production operations are conducted to  
15 manufacture or process tangible personal property to be ultimately sold at  
16 retail. Such term shall not include any facility primarily operated for the  
17 purpose of conveying or assisting in the conveyance of natural gas,  
18 electricity, oil or water. A business may operate one or more manufacturing  
19 or processing plants or facilities at different locations to manufacture or  
20 process a single product of tangible personal property to be ultimately sold  
21 at retail;

22 (D) "manufacturing or processing business" means a business that  
23 utilizes an integrated production operation to manufacture, process,  
24 fabricate, finish or assemble items for wholesale and retail distribution as  
25 part of what is commonly regarded by the general public as an industrial  
26 manufacturing or processing operation or an agricultural commodity  
27 processing operation. (i) Industrial manufacturing or processing operations  
28 include, by way of illustration but not of limitation, the fabrication of  
29 automobiles, airplanes, machinery or transportation equipment, the  
30 fabrication of metal, plastic, wood or paper products, electricity power  
31 generation, water treatment, petroleum refining, chemical production,  
32 wholesale bottling, newspaper printing, ready mixed concrete production,  
33 and the remanufacturing of used parts for wholesale or retail sale. Such  
34 processing operations shall include operations at an oil well, gas well,  
35 mine or other excavation site where the oil, gas, minerals, coal, clay, stone,  
36 sand or gravel that has been extracted from the earth is cleaned, separated,  
37 crushed, ground, milled, screened, washed or otherwise treated or prepared  
38 before its transmission to a refinery or before any other wholesale or retail  
39 distribution. (ii) Agricultural commodity processing operations include, by  
40 way of illustration but not of limitation, meat packing, poultry slaughtering  
41 and dressing, processing and packaging farm and dairy products in sealed  
42 containers for wholesale and retail distribution, feed grinding, grain  
43 milling, frozen food processing, and grain handling, cleaning, blending,

1 fumigation, drying and aeration operations engaged in by grain elevators  
2 or other grain storage facilities. (iii) Manufacturing or processing  
3 businesses do not include, by way of illustration but not of limitation,  
4 nonindustrial businesses whose operations are primarily retail and that  
5 produce or process tangible personal property as an incidental part of  
6 conducting the retail business, such as retailers who bake, cook or prepare  
7 food products in the regular course of their retail trade, grocery stores,  
8 meat lockers and meat markets that butcher or dress livestock or poultry in  
9 the regular course of their retail trade, contractors who alter, service, repair  
10 or improve real property, and retail businesses that clean, service or  
11 refurbish and repair tangible personal property for its owner;

12 (E) "repair and replacement parts and accessories" means all parts  
13 and accessories for exempt machinery and equipment, including, but not  
14 limited to, dies, jigs, molds, patterns and safety devices that are attached to  
15 exempt machinery or that are otherwise used in production, and parts and  
16 accessories that require periodic replacement such as belts, drill bits,  
17 grinding wheels, grinding balls, cutting bars, saws, refractory brick and  
18 other refractory items for exempt kiln equipment used in production  
19 operations;

20 (F) "primary" or "primarily" mean more than 50% of the time.

21 (3) For purposes of this subsection, machinery and equipment shall  
22 be deemed to be used as an integral or essential part of an integrated  
23 production operation when used to:

24 (A) Receive, transport, convey, handle, treat or store raw materials in  
25 preparation of its placement on the production line;

26 (B) transport, convey, handle or store the property undergoing  
27 manufacturing or processing at any point from the beginning of the  
28 production line through any warehousing or distribution operation of the  
29 final product that occurs at the plant or facility;

30 (C) act upon, effect, promote or otherwise facilitate a physical change  
31 to the property undergoing manufacturing or processing;

32 (D) guide, control or direct the movement of property undergoing  
33 manufacturing or processing;

34 (E) test or measure raw materials, the property undergoing  
35 manufacturing or processing or the finished product, as a necessary part of  
36 the manufacturer's integrated production operations;

37 (F) plan, manage, control or record the receipt and flow of inventories  
38 of raw materials, consumables and component parts, the flow of the  
39 property undergoing manufacturing or processing and the management of  
40 inventories of the finished product;

41 (G) produce energy for, lubricate, control the operating of or  
42 otherwise enable the functioning of other production machinery and  
43 equipment and the continuation of production operations;

1 (H) package the property being manufactured or processed in a  
2 container or wrapping in which such property is normally sold or  
3 transported;

4 (I) transmit or transport electricity, coke, gas, water, steam or similar  
5 substances used in production operations from the point of generation, if  
6 produced by the manufacturer or processor at the plant site, to that  
7 manufacturer's production operation; or, if purchased or delivered from  
8 off-site, from the point where the substance enters the site of the plant or  
9 facility to that manufacturer's production operations;

10 (J) cool, heat, filter, refine or otherwise treat water, steam, acid, oil,  
11 solvents or other substances that are used in production operations;

12 (K) provide and control an environment required to maintain certain  
13 levels of air quality, humidity or temperature in special and limited areas  
14 of the plant or facility, where such regulation of temperature or humidity is  
15 part of and essential to the production process;

16 (L) treat, transport or store waste or other byproducts of production  
17 operations at the plant or facility; or

18 (M) control pollution at the plant or facility where the pollution is  
19 produced by the manufacturing or processing operation.

20 (4) The following machinery, equipment and materials shall be  
21 deemed to be exempt even though it may not otherwise qualify as  
22 machinery and equipment used as an integral or essential part of an  
23 integrated production operation: (A) Computers and related peripheral  
24 equipment that are utilized by a manufacturing or processing business for  
25 engineering of the finished product or for research and development or  
26 product design; (B) machinery and equipment that is utilized by a  
27 manufacturing or processing business to manufacture or rebuild tangible  
28 personal property that is used in manufacturing or processing operations,  
29 including tools, dies, molds, forms and other parts of qualifying machinery  
30 and equipment; (C) portable plants for aggregate concrete, bulk cement  
31 and asphalt including cement mixing drums to be attached to a motor  
32 vehicle; (D) industrial fixtures, devices, support facilities and special  
33 foundations necessary for manufacturing and production operations, and  
34 materials and other tangible personal property sold for the purpose of  
35 fabricating such fixtures, devices, facilities and foundations. An exemption  
36 certificate for such purchases shall be signed by the manufacturer or  
37 processor. If the fabricator purchases such material, the fabricator shall  
38 also sign the exemption certificate; (E) a manufacturing or processing  
39 business' laboratory equipment that is not located at the plant or facility,  
40 but that would otherwise qualify for exemption under subsection (3)(E);  
41 (F) all machinery and equipment used in surface mining activities as  
42 described in K.S.A. 49-601 et seq., and amendments thereto, beginning  
43 from the time a reclamation plan is filed to the acceptance of the

1 completed final site reclamation.

2 (5) "Machinery and equipment used as an integral or essential part of  
3 an integrated production operation" shall not include:

4 (A) Machinery and equipment used for nonproduction purposes,  
5 including, but not limited to, machinery and equipment used for plant  
6 security, fire prevention, first aid, accounting, administration, record  
7 keeping, advertising, marketing, sales or other related activities, plant  
8 cleaning, plant communications and employee work scheduling;

9 (B) machinery, equipment and tools used primarily in maintaining  
10 and repairing any type of machinery and equipment or the building and  
11 plant;

12 (C) transportation, transmission and distribution equipment not  
13 primarily used in a production, warehousing or material handling  
14 operation at the plant or facility, including the means of conveyance of  
15 natural gas, electricity, oil or water, and equipment related thereto, located  
16 outside the plant or facility;

17 (D) office machines and equipment including computers and related  
18 peripheral equipment not used directly and primarily to control or measure  
19 the manufacturing process;

20 (E) furniture and other furnishings;

21 (F) buildings, other than exempt machinery and equipment that is  
22 permanently affixed to or becomes a physical part of the building, and any  
23 other part of real estate that is not otherwise exempt;

24 (G) building fixtures that are not integral to the manufacturing  
25 operation, such as utility systems for heating, ventilation, air conditioning,  
26 communications, plumbing or electrical;

27 (H) machinery and equipment used for general plant heating, cooling  
28 and lighting;

29 (I) motor vehicles that are registered for operation on public  
30 highways; or

31 (J) employee apparel, except safety and protective apparel that is  
32 purchased by an employer and furnished gratuitously to employees who  
33 are involved in production or research activities.

34 (6) Paragraphs (3) and (5) shall not be construed as exclusive listings  
35 of the machinery and equipment that qualify or do not qualify as an  
36 integral or essential part of an integrated production operation. When  
37 machinery or equipment is used as an integral or essential part of  
38 production operations part of the time and for nonproduction purposes at  
39 other times, the primary use of the machinery or equipment shall  
40 determine whether or not such machinery or equipment qualifies for  
41 exemption.

42 (7) The secretary of revenue shall adopt rules and regulations  
43 necessary to administer the provisions of this subsection;

1 (ll) all sales of educational materials purchased for distribution to the  
2 public at no charge by a nonprofit corporation organized for the purpose of  
3 encouraging, fostering and conducting programs for the improvement of  
4 public health, ~~except that for taxable years commencing after December~~  
5 ~~31, 2013, this subsection shall not apply to any sales of such materials~~  
6 ~~purchased by a nonprofit corporation which performs any abortion, as~~  
7 ~~defined in K.S.A. 65-6701, and amendments thereto;~~

8 (mm) all sales of seeds and tree seedlings; fertilizers, insecticides,  
9 herbicides, germicides, pesticides and fungicides; and services, purchased  
10 and used for the purpose of producing plants in order to prevent soil  
11 erosion on land devoted to agricultural use;

12 (nn) except as otherwise provided in this act, all sales of services  
13 rendered by an advertising agency or licensed broadcast station or any  
14 member, agent or employee thereof;

15 (oo) all sales of tangible personal property purchased by a community  
16 action group or agency for the exclusive purpose of repairing or  
17 weatherizing housing occupied by low-income individuals;

18 (pp) all sales of drill bits and explosives actually utilized in the  
19 exploration and production of oil or gas;

20 (qq) all sales of tangible personal property and services purchased by  
21 a nonprofit museum or historical society or any combination thereof,  
22 including a nonprofit organization that is organized for the purpose of  
23 stimulating public interest in the exploration of space by providing  
24 educational information, exhibits and experiences, that is exempt from  
25 federal income taxation pursuant to section 501(c)(3) of the federal  
26 internal revenue code of 1986;

27 (rr) all sales of tangible personal property that will admit the  
28 purchaser thereof to any annual event sponsored by a nonprofit  
29 organization that is exempt from federal income taxation pursuant to  
30 section 501(c)(3) of the federal internal revenue code of 1986, ~~except that~~  
31 ~~for taxable years commencing after December 31, 2013, this subsection~~  
32 ~~shall not apply to any sales of such tangible personal property purchased~~  
33 ~~by a nonprofit organization which performs any abortion, as defined in~~  
34 ~~K.S.A. 65-6701, and amendments thereto;~~

35 (ss) all sales of tangible personal property and services purchased by  
36 a public broadcasting station licensed by the federal communications  
37 commission as a noncommercial educational television or radio station;

38 (tt) all sales of tangible personal property and services purchased by  
39 or on behalf of a not-for-profit corporation that is exempt from federal  
40 income taxation pursuant to section 501(c)(3) of the federal internal  
41 revenue code of 1986, for the sole purpose of constructing a Kansas  
42 Korean War memorial;

43 (uu) all sales of tangible personal property and services purchased by

1 or on behalf of any rural volunteer fire-fighting organization for use  
2 exclusively in the performance of its duties and functions;

3 (vv) all sales of tangible personal property purchased by any of the  
4 following organizations that are exempt from federal income taxation  
5 pursuant to section 501(c)(3) of the federal internal revenue code of 1986,  
6 for the following purposes, and all sales of any such property by or on  
7 behalf of any such organization for any such purpose:

8 (1) The American heart association, Kansas affiliate, inc. for the  
9 purposes of providing education, training, certification in emergency  
10 cardiac care, research and other related services to reduce disability and  
11 death from cardiovascular diseases and stroke;

12 (2) the Kansas alliance for the mentally ill, inc. for the purpose of  
13 advocacy for persons with mental illness and to education, research and  
14 support for their families;

15 (3) the Kansas mental illness awareness council for the purposes of  
16 advocacy for persons who are mentally ill and for education, research and  
17 support for them and their families;

18 (4) the American diabetes association Kansas affiliate, inc. for the  
19 purpose of eliminating diabetes through medical research, public education  
20 focusing on disease prevention and education, patient education including  
21 information on coping with diabetes, and professional education and  
22 training;

23 (5) the American lung association of Kansas, inc. for the purpose of  
24 eliminating all lung diseases through medical research, public education  
25 including information on coping with lung diseases, professional education  
26 and training related to lung disease and other related services to reduce the  
27 incidence of disability and death due to lung disease;

28 (6) the Kansas chapters of the Alzheimer's disease and related  
29 disorders association, inc. for the purpose of providing assistance and  
30 support to persons in Kansas with Alzheimer's disease, and their families  
31 and caregivers;

32 (7) the Kansas chapters of the Parkinson's disease association for the  
33 purpose of eliminating Parkinson's disease through medical research and  
34 public and professional education related to such disease;

35 (8) the national kidney foundation of Kansas and western Missouri  
36 for the purpose of eliminating kidney disease through medical research  
37 and public and private education related to such disease;

38 (9) the heartstrings community foundation for the purpose of  
39 providing training, employment and activities for adults with  
40 developmental disabilities;

41 (10) the cystic fibrosis foundation, heart of America chapter, for the  
42 purposes of assuring the development of the means to cure and control  
43 cystic fibrosis and improving the quality of life for those with the disease;



- 1 (11) the spina bifida association of Kansas for the purpose of  
2 providing financial, educational and practical aid to families and  
3 individuals with spina bifida. Such aid includes, but is not limited to,  
4 funding for medical devices, counseling and medical educational  
5 opportunities;
- 6 (12) the CHWC, Inc., for the purpose of rebuilding urban core  
7 neighborhoods through the construction of new homes, acquiring and  
8 renovating existing homes and other related activities, and promoting  
9 economic development in such neighborhoods;
- 10 (13) the cross-lines cooperative council for the purpose of providing  
11 social services to low income individuals and families;
- 12 (14) the dreams work, inc., for the purpose of providing young adult  
13 day services to individuals with developmental disabilities and assisting  
14 families in avoiding institutional or nursing home care for a  
15 developmentally disabled member of their family;
- 16 (15) the KSDS, Inc., for the purpose of promoting the independence  
17 and inclusion of people with disabilities as fully participating and  
18 contributing members of their communities and society through the  
19 training and providing of guide and service dogs to people with  
20 disabilities, and providing disability education and awareness to the  
21 general public;
- 22 (16) the lyme association of greater Kansas City, Inc., for the purpose  
23 of providing support to persons with lyme disease and public education  
24 relating to the prevention, treatment and cure of lyme disease;
- 25 (17) the dream factory, inc., for the purpose of granting the dreams of  
26 children with critical and chronic illnesses;
- 27 (18) the Ottawa Suzuki strings, inc., for the purpose of providing  
28 students and families with education and resources necessary to enable  
29 each child to develop fine character and musical ability to the fullest  
30 potential;
- 31 (19) the international association of lions clubs for the purpose of  
32 creating and fostering a spirit of understanding among all people for  
33 humanitarian needs by providing voluntary services through community  
34 involvement and international cooperation;
- 35 (20) the Johnson county young matrons, inc., for the purpose of  
36 promoting a positive future for members of the community through  
37 volunteerism, financial support and education through the efforts of an all  
38 volunteer organization;
- 39 (21) the American cancer society, inc., for the purpose of eliminating  
40 cancer as a major health problem by preventing cancer, saving lives and  
41 diminishing suffering from cancer, through research, education, advocacy  
42 and service;
- 43 (22) the community services of Shawnee, inc., for the purpose of

1 providing food and clothing to those in need;

2 (23) the angel babies association, for the purpose of providing  
3 assistance, support and items of necessity to teenage mothers and their  
4 babies; and

5 (24) the Kansas fairgrounds foundation for the purpose of the  
6 preservation, renovation and beautification of the Kansas state fairgrounds;

7 (ww) all sales of tangible personal property purchased by the habitat  
8 for humanity for the exclusive use of being incorporated within a housing  
9 project constructed by such organization;

10 (xx) all sales of tangible personal property and services purchased by  
11 a nonprofit zoo that is exempt from federal income taxation pursuant to  
12 section 501(c)(3) of the federal internal revenue code of 1986, or on behalf  
13 of such zoo by an entity itself exempt from federal income taxation  
14 pursuant to section 501(c)(3) of the federal internal revenue code of 1986  
15 contracted with to operate such zoo and all sales of tangible personal  
16 property or services purchased by a contractor for the purpose of  
17 constructing, equipping, reconstructing, maintaining, repairing, enlarging,  
18 furnishing or remodeling facilities for any nonprofit zoo that would be  
19 exempt from taxation under the provisions of this section if purchased  
20 directly by such nonprofit zoo or the entity operating such zoo. Nothing in  
21 this subsection shall be deemed to exempt the purchase of any construction  
22 machinery, equipment or tools used in the constructing, equipping,  
23 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling  
24 facilities for any nonprofit zoo. When any nonprofit zoo shall contract for  
25 the purpose of constructing, equipping, reconstructing, maintaining,  
26 repairing, enlarging, furnishing or remodeling facilities, it shall obtain  
27 from the state and furnish to the contractor an exemption certificate for the  
28 project involved, and the contractor may purchase materials for  
29 incorporation in such project. The contractor shall furnish the number of  
30 such certificate to all suppliers from whom such purchases are made, and  
31 such suppliers shall execute invoices covering the same bearing the  
32 number of such certificate. Upon completion of the project the contractor  
33 shall furnish to the nonprofit zoo concerned a sworn statement, on a form  
34 to be provided by the director of taxation, that all purchases so made were  
35 entitled to exemption under this subsection. All invoices shall be held by  
36 the contractor for a period of five years and shall be subject to audit by the  
37 director of taxation. If any materials purchased under such a certificate are  
38 found not to have been incorporated in the building or other project or not  
39 to have been returned for credit or the sales or compensating tax otherwise  
40 imposed upon such materials that will not be so incorporated in the  
41 building or other project reported and paid by such contractor to the  
42 director of taxation not later than the 20<sup>th</sup> day of the month following the  
43 close of the month in which it shall be determined that such materials will

1 not be used for the purpose for which such certificate was issued, the  
2 nonprofit zoo concerned shall be liable for tax on all materials purchased  
3 for the project, and upon payment thereof it may recover the same from  
4 the contractor together with reasonable attorney fees. Any contractor or  
5 any agent, employee or subcontractor thereof, who shall use or otherwise  
6 dispose of any materials purchased under such a certificate for any purpose  
7 other than that for which such a certificate is issued without the payment  
8 of the sales or compensating tax otherwise imposed upon such materials,  
9 shall be guilty of a misdemeanor and, upon conviction therefor, shall be  
10 subject to the penalties provided for in K.S.A. 79-3615(h), and  
11 amendments thereto;

12 (yy) all sales of tangible personal property and services purchased by  
13 a parent-teacher association or organization, and all sales of tangible  
14 personal property by or on behalf of such association or organization;

15 (zz) all sales of machinery and equipment purchased by over-the-air,  
16 free access radio or television station that is used directly and primarily for  
17 the purpose of producing a broadcast signal or is such that the failure of  
18 the machinery or equipment to operate would cause broadcasting to cease.  
19 For purposes of this subsection, machinery and equipment shall include,  
20 but not be limited to, that required by rules and regulations of the federal  
21 communications commission, and all sales of electricity ~~which~~ that are  
22 essential or necessary for the purpose of producing a broadcast signal or is  
23 such that the failure of the electricity would cause broadcasting to cease;

24 (aaa) all sales of tangible personal property and services purchased by  
25 a religious organization that is exempt from federal income taxation  
26 pursuant to section 501(c)(3) of the federal internal revenue code, and used  
27 exclusively for religious purposes, and all sales of tangible personal  
28 property or services purchased by a contractor for the purpose of  
29 constructing, equipping, reconstructing, maintaining, repairing, enlarging,  
30 furnishing or remodeling facilities for any such organization that would be  
31 exempt from taxation under the provisions of this section if purchased  
32 directly by such organization. Nothing in this subsection shall be deemed  
33 to exempt the purchase of any construction machinery, equipment or tools  
34 used in the constructing, equipping, reconstructing, maintaining, repairing,  
35 enlarging, furnishing or remodeling facilities for any such organization.  
36 When any such organization shall contract for the purpose of constructing,  
37 equipping, reconstructing, maintaining, repairing, enlarging, furnishing or  
38 remodeling facilities, it shall obtain from the state and furnish to the  
39 contractor an exemption certificate for the project involved, and the  
40 contractor may purchase materials for incorporation in such project. The  
41 contractor shall furnish the number of such certificate to all suppliers from  
42 whom such purchases are made, and such suppliers shall execute invoices  
43 covering the same bearing the number of such certificate. Upon

1 completion of the project the contractor shall furnish to such organization  
2 concerned a sworn statement, on a form to be provided by the director of  
3 taxation, that all purchases so made were entitled to exemption under this  
4 subsection. All invoices shall be held by the contractor for a period of five  
5 years and shall be subject to audit by the director of taxation. If any  
6 materials purchased under such a certificate are found not to have been  
7 incorporated in the building or other project or not to have been returned  
8 for credit or the sales or compensating tax otherwise imposed upon such  
9 materials that will not be so incorporated in the building or other project  
10 reported and paid by such contractor to the director of taxation not later  
11 than the 20<sup>th</sup> day of the month following the close of the month in which it  
12 shall be determined that such materials will not be used for the purpose for  
13 which such certificate was issued, such organization concerned shall be  
14 liable for tax on all materials purchased for the project, and upon payment  
15 thereof it may recover the same from the contractor together with  
16 reasonable attorney fees. Any contractor or any agent, employee or  
17 subcontractor thereof, who shall use or otherwise dispose of any materials  
18 purchased under such a certificate for any purpose other than that for  
19 which such a certificate is issued without the payment of the sales or  
20 compensating tax otherwise imposed upon such materials, shall be guilty  
21 of a misdemeanor and, upon conviction therefor, shall be subject to the  
22 penalties provided for in K.S.A. 79-3615(h), and amendments thereto.  
23 Sales tax paid on and after July 1, 1998, but prior to the effective date of  
24 this act upon the gross receipts received from any sale exempted by the  
25 amendatory provisions of this subsection shall be refunded. Each claim for  
26 a sales tax refund shall be verified and submitted to the director of taxation  
27 upon forms furnished by the director and shall be accompanied by any  
28 additional documentation required by the director. The director shall  
29 review each claim and shall refund that amount of sales tax paid as  
30 determined under the provisions of this subsection. All refunds shall be  
31 paid from the sales tax refund fund upon warrants of the director of  
32 accounts and reports pursuant to vouchers approved by the director or the  
33 director's designee;

34 (bbb) all sales of food for human consumption by an organization that  
35 is exempt from federal income taxation pursuant to section 501(c)(3) of  
36 the federal internal revenue code of 1986, pursuant to a food distribution  
37 program that offers such food at a price below cost in exchange for the  
38 performance of community service by the purchaser thereof;

39 (ccc) on and after July 1, 1999, all sales of tangible personal property  
40 and services purchased by a primary care clinic or health center the  
41 primary purpose of which is to provide services to medically underserved  
42 individuals and families, and that is exempt from federal income taxation  
43 pursuant to section 501(c)(3) of the federal internal revenue code, and all

1 sales of tangible personal property or services purchased by a contractor  
2 for the purpose of constructing, equipping, reconstructing, maintaining,  
3 repairing, enlarging, furnishing or remodeling facilities for any such clinic  
4 or center that would be exempt from taxation under the provisions of this  
5 section if purchased directly by such clinic or center, ~~except that for~~  
6 ~~taxable years commencing after December 31, 2013, this subsection shall~~  
7 ~~not apply to any sales of such tangible personal property and services~~  
8 ~~purchased by a primary care clinic or health center which performs any~~  
9 ~~abortion, as defined in K.S.A. 65-6701, and amendments thereto.~~ Nothing  
10 in this subsection shall be deemed to exempt the purchase of any  
11 construction machinery, equipment or tools used in the constructing,  
12 equipping, reconstructing, maintaining, repairing, enlarging, furnishing or  
13 remodeling facilities for any such clinic or center. When any such clinic or  
14 center shall contract for the purpose of constructing, equipping,  
15 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling  
16 facilities, it shall obtain from the state and furnish to the contractor an  
17 exemption certificate for the project involved, and the contractor may  
18 purchase materials for incorporation in such project. The contractor shall  
19 furnish the number of such certificate to all suppliers from whom such  
20 purchases are made, and such suppliers shall execute invoices covering the  
21 same bearing the number of such certificate. Upon completion of the  
22 project the contractor shall furnish to such clinic or center concerned a  
23 sworn statement, on a form to be provided by the director of taxation, that  
24 all purchases so made were entitled to exemption under this subsection.  
25 All invoices shall be held by the contractor for a period of five years and  
26 shall be subject to audit by the director of taxation. If any materials  
27 purchased under such a certificate are found not to have been incorporated  
28 in the building or other project or not to have been returned for credit or  
29 the sales or compensating tax otherwise imposed upon such materials that  
30 will not be so incorporated in the building or other project reported and  
31 paid by such contractor to the director of taxation not later than the 20<sup>th</sup>  
32 day of the month following the close of the month in which it shall be  
33 determined that such materials will not be used for the purpose for which  
34 such certificate was issued, such clinic or center concerned shall be liable  
35 for tax on all materials purchased for the project, and upon payment  
36 thereof it may recover the same from the contractor together with  
37 reasonable attorney fees. Any contractor or any agent, employee or  
38 subcontractor thereof, who shall use or otherwise dispose of any materials  
39 purchased under such a certificate for any purpose other than that for  
40 which such a certificate is issued without the payment of the sales or  
41 compensating tax otherwise imposed upon such materials, shall be guilty  
42 of a misdemeanor and, upon conviction therefor, shall be subject to the  
43 penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

1 (ddd) on and after January 1, 1999, and before January 1, 2000, all  
2 sales of materials and services purchased by any class II or III railroad as  
3 classified by the federal surface transportation board for the construction,  
4 renovation, repair or replacement of class II or III railroad track and  
5 facilities used directly in interstate commerce. In the event any such track  
6 or facility for which materials and services were purchased sales tax  
7 exempt is not operational for five years succeeding the allowance of such  
8 exemption, the total amount of sales tax that would have been payable  
9 except for the operation of this subsection shall be recouped in accordance  
10 with rules and regulations adopted for such purpose by the secretary of  
11 revenue;

12 (eee) on and after January 1, 1999, and before January 1, 2001, all  
13 sales of materials and services purchased for the original construction,  
14 reconstruction, repair or replacement of grain storage facilities, including  
15 railroad sidings providing access thereto;

16 (fff) all sales of material handling equipment, racking systems and  
17 other related machinery and equipment that is used for the handling,  
18 movement or storage of tangible personal property in a warehouse or  
19 distribution facility in this state; all sales of installation, repair and  
20 maintenance services performed on such machinery and equipment; and  
21 all sales of repair and replacement parts for such machinery and  
22 equipment. For purposes of this subsection, a warehouse or distribution  
23 facility means a single, fixed location that consists of buildings or  
24 structures in a contiguous area where storage or distribution operations are  
25 conducted that are separate and apart from the business' retail operations,  
26 if any, and that do not otherwise qualify for exemption as occurring at a  
27 manufacturing or processing plant or facility. Material handling and  
28 storage equipment shall include aeration, dust control, cleaning, handling  
29 and other such equipment that is used in a public grain warehouse or other  
30 commercial grain storage facility, whether used for grain handling, grain  
31 storage, grain refining or processing, or other grain treatment operation;

32 (ggg) all sales of tangible personal property and services purchased  
33 by or on behalf of the Kansas academy of science, which is exempt from  
34 federal income taxation pursuant to section 501(c)(3) of the federal  
35 internal revenue code of 1986, and used solely by such academy for the  
36 preparation, publication and dissemination of education materials;

37 (hhh) all sales of tangible personal property and services purchased  
38 by or on behalf of all domestic violence shelters that are member agencies  
39 of the Kansas coalition against sexual and domestic violence;

40 (iii) all sales of personal property and services purchased by an  
41 organization that is exempt from federal income taxation pursuant to  
42 section 501(c)(3) of the federal internal revenue code of 1986, and such  
43 personal property and services are used by any such organization in the

1 collection, storage and distribution of food products to nonprofit  
2 organizations that distribute such food products to persons pursuant to a  
3 food distribution program on a charitable basis without fee or charge, and  
4 all sales of tangible personal property or services purchased by a  
5 contractor for the purpose of constructing, equipping, reconstructing,  
6 maintaining, repairing, enlarging, furnishing or remodeling facilities used  
7 for the collection and storage of such food products for any such  
8 organization, which is exempt from federal income taxation pursuant to  
9 section 501(c)(3) of the federal internal revenue code of 1986, that would  
10 be exempt from taxation under the provisions of this section if purchased  
11 directly by such organization. Nothing in this subsection shall be deemed  
12 to exempt the purchase of any construction machinery, equipment or tools  
13 used in the constructing, equipping, reconstructing, maintaining, repairing,  
14 enlarging, furnishing or remodeling facilities for any such organization.  
15 When any such organization shall contract for the purpose of constructing,  
16 equipping, reconstructing, maintaining, repairing, enlarging, furnishing or  
17 remodeling facilities, it shall obtain from the state and furnish to the  
18 contractor an exemption certificate for the project involved, and the  
19 contractor may purchase materials for incorporation in such project. The  
20 contractor shall furnish the number of such certificate to all suppliers from  
21 whom such purchases are made, and such suppliers shall execute invoices  
22 covering the same bearing the number of such certificate. Upon  
23 completion of the project the contractor shall furnish to such organization  
24 concerned a sworn statement, on a form to be provided by the director of  
25 taxation, that all purchases so made were entitled to exemption under this  
26 subsection. All invoices shall be held by the contractor for a period of five  
27 years and shall be subject to audit by the director of taxation. If any  
28 materials purchased under such a certificate are found not to have been  
29 incorporated in such facilities or not to have been returned for credit or the  
30 sales or compensating tax otherwise imposed upon such materials that will  
31 not be so incorporated in such facilities reported and paid by such  
32 contractor to the director of taxation not later than the 20<sup>th</sup> day of the  
33 month following the close of the month in which it shall be determined  
34 that such materials will not be used for the purpose for which such  
35 certificate was issued, such organization concerned shall be liable for tax  
36 on all materials purchased for the project, and upon payment thereof it  
37 may recover the same from the contractor together with reasonable  
38 attorney fees. Any contractor or any agent, employee or subcontractor  
39 thereof, who shall use or otherwise dispose of any materials purchased  
40 under such a certificate for any purpose other than that for which such a  
41 certificate is issued without the payment of the sales or compensating tax  
42 otherwise imposed upon such materials, shall be guilty of a misdemeanor  
43 and, upon conviction therefor, shall be subject to the penalties provided for

1 in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after  
2 July 1, 2005, but prior to the effective date of this act upon the gross  
3 receipts received from any sale exempted by the amendatory provisions of  
4 this subsection shall be refunded. Each claim for a sales tax refund shall be  
5 verified and submitted to the director of taxation upon forms furnished by  
6 the director and shall be accompanied by any additional documentation  
7 required by the director. The director shall review each claim and shall  
8 refund that amount of sales tax paid as determined under the provisions of  
9 this subsection. All refunds shall be paid from the sales tax refund fund  
10 upon warrants of the director of accounts and reports pursuant to vouchers  
11 approved by the director or the director's designee;

12 (jjj) all sales of dietary supplements dispensed pursuant to a  
13 prescription order by a licensed practitioner or a mid-level practitioner as  
14 defined by K.S.A. 65-1626, and amendments thereto. As used in this  
15 subsection, "dietary supplement" means any product, other than tobacco,  
16 intended to supplement the diet that: (1) Contains one or more of the  
17 following dietary ingredients: A vitamin, a mineral, an herb or other  
18 botanical, an amino acid, a dietary substance for use by humans to  
19 supplement the diet by increasing the total dietary intake or a concentrate,  
20 metabolite, constituent, extract or combination of any such ingredient; (2)  
21 is intended for ingestion in tablet, capsule, powder, softgel, gelcap or  
22 liquid form, or if not intended for ingestion, in such a form, is not  
23 represented as conventional food and is not represented for use as a sole  
24 item of a meal or of the diet; and (3) is required to be labeled as a dietary  
25 supplement, identifiable by the supplemental facts box found on the label  
26 and as required pursuant to 21 C.F.R. § 101.36;

27 (lll) all sales of tangible personal property and services purchased by  
28 special olympics Kansas, inc. for the purpose of providing year-round  
29 sports training and athletic competition in a variety of olympic-type sports  
30 for individuals with intellectual disabilities by giving them continuing  
31 opportunities to develop physical fitness, demonstrate courage, experience  
32 joy and participate in a sharing of gifts, skills and friendship with their  
33 families, other special olympics athletes and the community, and activities  
34 provided or sponsored by such organization, and all sales of tangible  
35 personal property by or on behalf of any such organization;

36 (mmm) all sales of tangible personal property purchased by or on  
37 behalf of the Marillac center, inc., which is exempt from federal income  
38 taxation pursuant to section 501(c)(3) of the federal internal revenue code,  
39 for the purpose of providing psycho-social-biological and special  
40 education services to children, and all sales of any such property by or on  
41 behalf of such organization for such purpose;

42 (nnn) all sales of tangible personal property and services purchased  
43 by the west Sedgwick county-sunrise rotary club and sunrise charitable



1 fund for the purpose of constructing a boundless playground—~~which~~ *that* is  
2 an integrated, barrier free and developmentally advantageous play  
3 environment for children of all abilities and disabilities;

4 (ooo) all sales of tangible personal property by or on behalf of a  
5 public library serving the general public and supported in whole or in part  
6 with tax money or a not-for-profit organization whose purpose is to raise  
7 funds for or provide services or other benefits to any such public library;

8 (ppp) all sales of tangible personal property and services purchased  
9 by or on behalf of a homeless shelter that is exempt from federal income  
10 taxation pursuant to section 501(c)(3) of the federal income tax code of  
11 1986, and used by any such homeless shelter to provide emergency and  
12 transitional housing for individuals and families experiencing  
13 homelessness, and all sales of any such property by or on behalf of any  
14 such homeless shelter for any such purpose;

15 (qqq) all sales of tangible personal property and services purchased  
16 by TLC for children and families, inc., hereinafter referred to as TLC,  
17 which is exempt from federal income taxation pursuant to section 501(c)  
18 (3) of the federal internal revenue code of 1986, and such property and  
19 services are used for the purpose of providing emergency shelter and  
20 treatment for abused and neglected children as well as meeting additional  
21 critical needs for children, juveniles and family, and all sales of any such  
22 property by or on behalf of TLC for any such purpose; and all sales of  
23 tangible personal property or services purchased by a contractor for the  
24 purpose of constructing, maintaining, repairing, enlarging, furnishing or  
25 remodeling facilities for the operation of services for TLC for any such  
26 purpose that would be exempt from taxation under the provisions of this  
27 section if purchased directly by TLC. Nothing in this subsection shall be  
28 deemed to exempt the purchase of any construction machinery, equipment  
29 or tools used in the constructing, maintaining, repairing, enlarging,  
30 furnishing or remodeling such facilities for TLC. When TLC contracts for  
31 the purpose of constructing, maintaining, repairing, enlarging, furnishing  
32 or remodeling such facilities, it shall obtain from the state and furnish to  
33 the contractor an exemption certificate for the project involved, and the  
34 contractor may purchase materials for incorporation in such project. The  
35 contractor shall furnish the number of such certificate to all suppliers from  
36 whom such purchases are made, and such suppliers shall execute invoices  
37 covering the same bearing the number of such certificate. Upon  
38 completion of the project the contractor shall furnish to TLC a sworn  
39 statement, on a form to be provided by the director of taxation, that all  
40 purchases so made were entitled to exemption under this subsection. All  
41 invoices shall be held by the contractor for a period of five years and shall  
42 be subject to audit by the director of taxation. If any materials purchased  
43 under such a certificate are found not to have been incorporated in the

1 building or other project or not to have been returned for credit or the sales  
2 or compensating tax otherwise imposed upon such materials that will not  
3 be so incorporated in the building or other project reported and paid by  
4 such contractor to the director of taxation not later than the 20<sup>th</sup> day of the  
5 month following the close of the month in which it shall be determined  
6 that such materials will not be used for the purpose for which such  
7 certificate was issued, TLC shall be liable for tax on all materials  
8 purchased for the project, and upon payment thereof it may recover the  
9 same from the contractor together with reasonable attorney fees. Any  
10 contractor or any agent, employee or subcontractor thereof, who shall use  
11 or otherwise dispose of any materials purchased under such a certificate  
12 for any purpose other than that for which such a certificate is issued  
13 without the payment of the sales or compensating tax otherwise imposed  
14 upon such materials, shall be guilty of a misdemeanor and, upon  
15 conviction therefor, shall be subject to the penalties provided for in K.S.A.  
16 79-3615(h), and amendments thereto;

17 (rrr) all sales of tangible personal property and services purchased by  
18 any county law library maintained pursuant to law and sales of tangible  
19 personal property and services purchased by an organization that would  
20 have been exempt from taxation under the provisions of this subsection if  
21 purchased directly by the county law library for the purpose of providing  
22 legal resources to attorneys, judges, students and the general public, and  
23 all sales of any such property by or on behalf of any such county law  
24 library;

25 (sss) all sales of tangible personal property and services purchased by  
26 catholic charities or youthville, hereinafter referred to as charitable family  
27 providers, which is exempt from federal income taxation pursuant to  
28 section 501(c)(3) of the federal internal revenue code of 1986, and which  
29 such property and services are used for the purpose of providing  
30 emergency shelter and treatment for abused and neglected children as well  
31 as meeting additional critical needs for children, juveniles and family, and  
32 all sales of any such property by or on behalf of charitable family  
33 providers for any such purpose; and all sales of tangible personal property  
34 or services purchased by a contractor for the purpose of constructing,  
35 maintaining, repairing, enlarging, furnishing or remodeling facilities for  
36 the operation of services for charitable family providers for any such  
37 purpose which would be exempt from taxation under the provisions of this  
38 section if purchased directly by charitable family providers. Nothing in  
39 this subsection shall be deemed to exempt the purchase of any construction  
40 machinery, equipment or tools used in the constructing, maintaining,  
41 repairing, enlarging, furnishing or remodeling such facilities for charitable  
42 family providers. When charitable family providers contracts for the  
43 purpose of constructing, maintaining, repairing, enlarging, furnishing or

1 remodeling such facilities, it shall obtain from the state and furnish to the  
2 contractor an exemption certificate for the project involved, and the  
3 contractor may purchase materials for incorporation in such project. The  
4 contractor shall furnish the number of such certificate to all suppliers from  
5 whom such purchases are made, and such suppliers shall execute invoices  
6 covering the same bearing the number of such certificate. Upon  
7 completion of the project the contractor shall furnish to charitable family  
8 providers a sworn statement, on a form to be provided by the director of  
9 taxation, that all purchases so made were entitled to exemption under this  
10 subsection. All invoices shall be held by the contractor for a period of five  
11 years and shall be subject to audit by the director of taxation. If any  
12 materials purchased under such a certificate are found not to have been  
13 incorporated in the building or other project or not to have been returned  
14 for credit or the sales or compensating tax otherwise imposed upon such  
15 materials that will not be so incorporated in the building or other project  
16 reported and paid by such contractor to the director of taxation not later  
17 than the 20<sup>th</sup> day of the month following the close of the month in which it  
18 shall be determined that such materials will not be used for the purpose for  
19 which such certificate was issued, charitable family providers shall be  
20 liable for tax on all materials purchased for the project, and upon payment  
21 thereof it may recover the same from the contractor together with  
22 reasonable attorney fees. Any contractor or any agent, employee or  
23 subcontractor thereof, who shall use or otherwise dispose of any materials  
24 purchased under such a certificate for any purpose other than that for  
25 which such a certificate is issued without the payment of the sales or  
26 compensating tax otherwise imposed upon such materials, shall be guilty  
27 of a misdemeanor and, upon conviction therefor, shall be subject to the  
28 penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

29 (ttt) all sales of tangible personal property or services purchased by a  
30 contractor for a project for the purpose of restoring, constructing,  
31 equipping, reconstructing, maintaining, repairing, enlarging, furnishing or  
32 remodeling a home or facility owned by a nonprofit museum that has been  
33 granted an exemption pursuant to subsection (qq), which such home or  
34 facility is located in a city that has been designated as a qualified  
35 hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and  
36 amendments thereto, and which such project is related to the purposes of  
37 K.S.A. 75-5071 et seq., and amendments thereto, and that would be  
38 exempt from taxation under the provisions of this section if purchased  
39 directly by such nonprofit museum. Nothing in this subsection shall be  
40 deemed to exempt the purchase of any construction machinery, equipment  
41 or tools used in the restoring, constructing, equipping, reconstructing,  
42 maintaining, repairing, enlarging, furnishing or remodeling a home or  
43 facility for any such nonprofit museum. When any such nonprofit museum

1 shall contract for the purpose of restoring, constructing, equipping,  
2 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling  
3 a home or facility, it shall obtain from the state and furnish to the  
4 contractor an exemption certificate for the project involved, and the  
5 contractor may purchase materials for incorporation in such project. The  
6 contractor shall furnish the number of such certificates to all suppliers  
7 from whom such purchases are made, and such suppliers shall execute  
8 invoices covering the same bearing the number of such certificate. Upon  
9 completion of the project, the contractor shall furnish to such nonprofit  
10 museum a sworn statement on a form to be provided by the director of  
11 taxation that all purchases so made were entitled to exemption under this  
12 subsection. All invoices shall be held by the contractor for a period of five  
13 years and shall be subject to audit by the director of taxation. If any  
14 materials purchased under such a certificate are found not to have been  
15 incorporated in the building or other project or not to have been returned  
16 for credit or the sales or compensating tax otherwise imposed upon such  
17 materials that will not be so incorporated in a home or facility or other  
18 project reported and paid by such contractor to the director of taxation not  
19 later than the 20<sup>th</sup> day of the month following the close of the month in  
20 which it shall be determined that such materials will not be used for the  
21 purpose for which such certificate was issued, such nonprofit museum  
22 shall be liable for tax on all materials purchased for the project, and upon  
23 payment thereof it may recover the same from the contractor together with  
24 reasonable attorney fees. Any contractor or any agent, employee or  
25 subcontractor thereof, who shall use or otherwise dispose of any materials  
26 purchased under such a certificate for any purpose other than that for  
27 which such a certificate is issued without the payment of the sales or  
28 compensating tax otherwise imposed upon such materials, shall be guilty  
29 of a misdemeanor and, upon conviction therefor, shall be subject to the  
30 penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

31 (uuu) all sales of tangible personal property and services purchased  
32 by Kansas children's service league, hereinafter referred to as KCSL,  
33 which is exempt from federal income taxation pursuant to section 501(c)  
34 (3) of the federal internal revenue code of 1986, and which such property  
35 and services are used for the purpose of providing for the prevention and  
36 treatment of child abuse and maltreatment as well as meeting additional  
37 critical needs for children, juveniles and family, and all sales of any such  
38 property by or on behalf of KCSL for any such purpose; and all sales of  
39 tangible personal property or services purchased by a contractor for the  
40 purpose of constructing, maintaining, repairing, enlarging, furnishing or  
41 remodeling facilities for the operation of services for KCSL for any such  
42 purpose that would be exempt from taxation under the provisions of this  
43 section if purchased directly by KCSL. Nothing in this subsection shall be

1 deemed to exempt the purchase of any construction machinery, equipment  
2 or tools used in the constructing, maintaining, repairing, enlarging,  
3 furnishing or remodeling such facilities for KCSL. When KCSL contracts  
4 for the purpose of constructing, maintaining, repairing, enlarging,  
5 furnishing or remodeling such facilities, it shall obtain from the state and  
6 furnish to the contractor an exemption certificate for the project involved,  
7 and the contractor may purchase materials for incorporation in such  
8 project. The contractor shall furnish the number of such certificate to all  
9 suppliers from whom such purchases are made, and such suppliers shall  
10 execute invoices covering the same bearing the number of such certificate.  
11 Upon completion of the project the contractor shall furnish to KCSL a  
12 sworn statement, on a form to be provided by the director of taxation, that  
13 all purchases so made were entitled to exemption under this subsection.  
14 All invoices shall be held by the contractor for a period of five years and  
15 shall be subject to audit by the director of taxation. If any materials  
16 purchased under such a certificate are found not to have been incorporated  
17 in the building or other project or not to have been returned for credit or  
18 the sales or compensating tax otherwise imposed upon such materials that  
19 will not be so incorporated in the building or other project reported and  
20 paid by such contractor to the director of taxation not later than the 20<sup>th</sup>  
21 day of the month following the close of the month in which it shall be  
22 determined that such materials will not be used for the purpose for which  
23 such certificate was issued, KCSL shall be liable for tax on all materials  
24 purchased for the project, and upon payment thereof it may recover the  
25 same from the contractor together with reasonable attorney fees. Any  
26 contractor or any agent, employee or subcontractor thereof, who shall use  
27 or otherwise dispose of any materials purchased under such a certificate  
28 for any purpose other than that for which such a certificate is issued  
29 without the payment of the sales or compensating tax otherwise imposed  
30 upon such materials, shall be guilty of a misdemeanor and, upon  
31 conviction therefor, shall be subject to the penalties provided for in K.S.A.  
32 79-3615(h), and amendments thereto;

33 (vvv) all sales of tangible personal property or services, including the  
34 renting and leasing of tangible personal property or services, purchased by  
35 jazz in the woods, inc., a Kansas corporation that is exempt from federal  
36 income taxation pursuant to section 501(c)(3) of the federal internal  
37 revenue code, for the purpose of providing jazz in the woods, an event  
38 benefiting children-in-need and other nonprofit charities assisting such  
39 children, and all sales of any such property by or on behalf of such  
40 organization for such purpose;

41 (www) all sales of tangible personal property purchased by or on  
42 behalf of the Frontenac education foundation, which is exempt from  
43 federal income taxation pursuant to section 501(c)(3) of the federal

1 internal revenue code, for the purpose of providing education support for  
2 students, and all sales of any such property by or on behalf of such  
3 organization for such purpose;

4 (xxx) all sales of personal property and services purchased by the  
5 booth theatre foundation, inc., an organization, which is exempt from  
6 federal income taxation pursuant to section 501(c)(3) of the federal  
7 internal revenue code of 1986, and which such personal property and  
8 services are used by any such organization in the constructing, equipping,  
9 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling  
10 of the booth theatre, and all sales of tangible personal property or services  
11 purchased by a contractor for the purpose of constructing, equipping,  
12 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling  
13 the booth theatre for such organization, that would be exempt from  
14 taxation under the provisions of this section if purchased directly by such  
15 organization. Nothing in this subsection shall be deemed to exempt the  
16 purchase of any construction machinery, equipment or tools used in the  
17 constructing, equipping, reconstructing, maintaining, repairing, enlarging,  
18 furnishing or remodeling facilities for any such organization. When any  
19 such organization shall contract for the purpose of constructing, equipping,  
20 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling  
21 facilities, it shall obtain from the state and furnish to the contractor an  
22 exemption certificate for the project involved, and the contractor may  
23 purchase materials for incorporation in such project. The contractor shall  
24 furnish the number of such certificate to all suppliers from whom such  
25 purchases are made, and such suppliers shall execute invoices covering the  
26 same bearing the number of such certificate. Upon completion of the  
27 project the contractor shall furnish to such organization concerned a sworn  
28 statement, on a form to be provided by the director of taxation, that all  
29 purchases so made were entitled to exemption under this subsection. All  
30 invoices shall be held by the contractor for a period of five years and shall  
31 be subject to audit by the director of taxation. If any materials purchased  
32 under such a certificate are found not to have been incorporated in such  
33 facilities or not to have been returned for credit or the sales or  
34 compensating tax otherwise imposed upon such materials that will not be  
35 so incorporated in such facilities reported and paid by such contractor to  
36 the director of taxation not later than the 20<sup>th</sup> day of the month following  
37 the close of the month in which it shall be determined that such materials  
38 will not be used for the purpose for which such certificate was issued, such  
39 organization concerned shall be liable for tax on all materials purchased  
40 for the project, and upon payment thereof it may recover the same from  
41 the contractor together with reasonable attorney fees. Any contractor or  
42 any agent, employee or subcontractor thereof, who shall use or otherwise  
43 dispose of any materials purchased under such a certificate for any purpose

1 other than that for which such a certificate is issued without the payment  
2 of the sales or compensating tax otherwise imposed upon such materials,  
3 shall be guilty of a misdemeanor and, upon conviction therefor, shall be  
4 subject to the penalties provided for in K.S.A. 79-3615(h), and  
5 amendments thereto. Sales tax paid on and after January 1, 2007, but prior  
6 to the effective date of this act upon the gross receipts received from any  
7 sale ~~which~~ *that* would have been exempted by the provisions of this  
8 subsection had such sale occurred after the effective date of this act shall  
9 be refunded. Each claim for a sales tax refund shall be verified and  
10 submitted to the director of taxation upon forms furnished by the director  
11 and shall be accompanied by any additional documentation required by the  
12 director. The director shall review each claim and shall refund that amount  
13 of sales tax paid as determined under the provisions of this subsection. All  
14 refunds shall be paid from the sales tax refund fund upon warrants of the  
15 director of accounts and reports pursuant to vouchers approved by the  
16 director or the director's designee;

17 (yyy) all sales of tangible personal property and services purchased  
18 by TLC charities foundation, inc., hereinafter referred to as TLC charities,  
19 which is exempt from federal income taxation pursuant to section 501(c)  
20 (3) of the federal internal revenue code of 1986, and which such property  
21 and services are used for the purpose of encouraging private philanthropy  
22 to further the vision, values, and goals of TLC for children and families,  
23 inc.; and all sales of such property and services by or on behalf of TLC  
24 charities for any such purpose and all sales of tangible personal property or  
25 services purchased by a contractor for the purpose of constructing,  
26 maintaining, repairing, enlarging, furnishing or remodeling facilities for  
27 the operation of services for TLC charities for any such purpose that would  
28 be exempt from taxation under the provisions of this section if purchased  
29 directly by TLC charities. Nothing in this subsection shall be deemed to  
30 exempt the purchase of any construction machinery, equipment or tools  
31 used in the constructing, maintaining, repairing, enlarging, furnishing or  
32 remodeling such facilities for TLC charities. When TLC charities contracts  
33 for the purpose of constructing, maintaining, repairing, enlarging,  
34 furnishing or remodeling such facilities, it shall obtain from the state and  
35 furnish to the contractor an exemption certificate for the project involved,  
36 and the contractor may purchase materials for incorporation in such  
37 project. The contractor shall furnish the number of such certificate to all  
38 suppliers from whom such purchases are made, and such suppliers shall  
39 execute invoices covering the same bearing the number of such certificate.  
40 Upon completion of the project the contractor shall furnish to TLC  
41 charities a sworn statement, on a form to be provided by the director of  
42 taxation, that all purchases so made were entitled to exemption under this  
43 subsection. All invoices shall be held by the contractor for a period of five

1 years and shall be subject to audit by the director of taxation. If any  
2 materials purchased under such a certificate are found not to have been  
3 incorporated in the building or other project or not to have been returned  
4 for credit or the sales or compensating tax otherwise imposed upon such  
5 materials that will not be incorporated into the building or other project  
6 reported and paid by such contractor to the director of taxation not later  
7 than the 20<sup>th</sup> day of the month following the close of the month in which it  
8 shall be determined that such materials will not be used for the purpose for  
9 which such certificate was issued, TLC charities shall be liable for tax on  
10 all materials purchased for the project, and upon payment thereof it may  
11 recover the same from the contractor together with reasonable attorney  
12 fees. Any contractor or any agent, employee or subcontractor thereof, who  
13 shall use or otherwise dispose of any materials purchased under such a  
14 certificate for any purpose other than that for which such a certificate is  
15 issued without the payment of the sales or compensating tax otherwise  
16 imposed upon such materials, shall be guilty of a misdemeanor and, upon  
17 conviction therefor, shall be subject to the penalties provided for in K.S.A.  
18 79-3615(h), and amendments thereto;

19 (zzz) all sales of tangible personal property purchased by the rotary  
20 club of shawnee foundation, which is exempt from federal income taxation  
21 pursuant to section 501(c)(3) of the federal internal revenue code of 1986,  
22 as amended, used for the purpose of providing contributions to community  
23 service organizations and scholarships;

24 (aaaa) all sales of personal property and services purchased by or on  
25 behalf of victory in the valley, inc., which is exempt from federal income  
26 taxation pursuant to section 501(c)(3) of the federal internal revenue code,  
27 for the purpose of providing a cancer support group and services for  
28 persons with cancer, and all sales of any such property by or on behalf of  
29 any such organization for any such purpose;

30 (bbbb) all sales of entry or participation fees, charges or tickets by  
31 Guadalupe health foundation, which is exempt from federal income  
32 taxation pursuant to section 501(c)(3) of the federal internal revenue code,  
33 for such organization's annual fundraising event which purpose is to  
34 provide ~~health care~~ *healthcare* services for uninsured workers;

35 (cccc) all sales of tangible personal property or services purchased by  
36 or on behalf of wayside waifs, inc., which is exempt from federal income  
37 taxation pursuant to section 501(c)(3) of the federal internal revenue code,  
38 for the purpose of providing such organization's annual fundraiser, an  
39 event whose purpose is to support the care of homeless and abandoned  
40 animals, animal adoption efforts, education programs for children and  
41 efforts to reduce animal over-population and animal welfare services, and  
42 all sales of any such property, including entry or participation fees or  
43 charges, by or on behalf of such organization for such purpose;



1 (dddd) all sales of tangible personal property or services purchased  
2 by or on behalf of goodwill industries or Easter seals of Kansas, inc., both  
3 of which are exempt from federal income taxation pursuant to section  
4 501(c)(3) of the federal internal revenue code, for the purpose of providing  
5 education, training and employment opportunities for people with  
6 disabilities and other barriers to employment;

7 (eeee) all sales of tangible personal property or services purchased by  
8 or on behalf of all American beef battalion, inc., which is exempt from  
9 federal income taxation pursuant to section 501(c)(3) of the federal  
10 internal revenue code, for the purpose of educating, promoting and  
11 participating as a contact group through the beef cattle industry in order to  
12 carry out such projects that provide support and morale to members of the  
13 United States armed forces and military services;

14 (ffff) all sales of tangible personal property and services purchased by  
15 sheltered living, inc., which is exempt from federal income taxation  
16 pursuant to section 501(c)(3) of the federal internal revenue code of 1986,  
17 and which such property and services are used for the purpose of  
18 providing residential and day services for people with developmental  
19 disabilities or intellectual disability, or both, and all sales of any such  
20 property by or on behalf of sheltered living, inc., for any such purpose; and  
21 all sales of tangible personal property or services purchased by a  
22 contractor for the purpose of rehabilitating, constructing, maintaining,  
23 repairing, enlarging, furnishing or remodeling homes and facilities for  
24 sheltered living, inc., for any such purpose that would be exempt from  
25 taxation under the provisions of this section if purchased directly by  
26 sheltered living, inc. Nothing in this subsection shall be deemed to exempt  
27 the purchase of any construction machinery, equipment or tools used in the  
28 constructing, maintaining, repairing, enlarging, furnishing or remodeling  
29 such homes and facilities for sheltered living, inc. When sheltered living,  
30 inc., contracts for the purpose of rehabilitating, constructing, maintaining,  
31 repairing, enlarging, furnishing or remodeling such homes and facilities, it  
32 shall obtain from the state and furnish to the contractor an exemption  
33 certificate for the project involved, and the contractor may purchase  
34 materials for incorporation in such project. The contractor shall furnish the  
35 number of such certificate to all suppliers from whom such purchases are  
36 made, and such suppliers shall execute invoices covering the same bearing  
37 the number of such certificate. Upon completion of the project the  
38 contractor shall furnish to sheltered living, inc., a sworn statement, on a  
39 form to be provided by the director of taxation, that all purchases so made  
40 were entitled to exemption under this subsection. All invoices shall be held  
41 by the contractor for a period of five years and shall be subject to audit by  
42 the director of taxation. If any materials purchased under such a certificate  
43 are found not to have been incorporated in the building or other project or

1 not to have been returned for credit or the sales or compensating tax  
2 otherwise imposed upon such materials that will not be so incorporated in  
3 the building or other project reported and paid by such contractor to the  
4 director of taxation not later than the 20<sup>th</sup> day of the month following the  
5 close of the month in which it shall be determined that such materials will  
6 not be used for the purpose for which such certificate was issued, sheltered  
7 living, inc., shall be liable for tax on all materials purchased for the  
8 project, and upon payment thereof it may recover the same from the  
9 contractor together with reasonable attorney fees. Any contractor or any  
10 agent, employee or subcontractor thereof, who shall use or otherwise  
11 dispose of any materials purchased under such a certificate for any purpose  
12 other than that for which such a certificate is issued without the payment  
13 of the sales or compensating tax otherwise imposed upon such materials,  
14 shall be guilty of a misdemeanor and, upon conviction therefor, shall be  
15 subject to the penalties provided for in K.S.A. 79-3615(h), and  
16 amendments thereto;

17 (gggg) all sales of game birds for which the primary purpose is use in  
18 hunting;

19 (hhhh) all sales of tangible personal property or services purchased  
20 on or after July 1, 2014, for the purpose of and in conjunction with  
21 constructing, reconstructing, enlarging or remodeling a business identified  
22 under the North American industry classification system (NAICS)  
23 subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and  
24 installation of machinery and equipment purchased for installation at any  
25 such business. The exemption provided in this subsection shall not apply  
26 to projects that have actual total costs less than \$50,000. When a person  
27 contracts for the construction, reconstruction, enlargement or remodeling  
28 of any such business, such person shall obtain from the state and furnish to  
29 the contractor an exemption certificate for the project involved, and the  
30 contractor may purchase materials, machinery and equipment for  
31 incorporation in such project. The contractor shall furnish the number of  
32 such certificates to all suppliers from whom such purchases are made, and  
33 such suppliers shall execute invoices covering the same bearing the  
34 number of such certificate. Upon completion of the project, the contractor  
35 shall furnish to the owner of the business a sworn statement, on a form to  
36 be provided by the director of taxation, that all purchases so made were  
37 entitled to exemption under this subsection. All invoices shall be held by  
38 the contractor for a period of five years and shall be subject to audit by the  
39 director of taxation. Any contractor or any agent, employee or  
40 subcontractor of the contractor, who shall use or otherwise dispose of any  
41 materials, machinery or equipment purchased under such a certificate for  
42 any purpose other than that for which such a certificate is issued without  
43 the payment of the sales or compensating tax otherwise imposed thereon,

1 shall be guilty of a misdemeanor and, upon conviction therefor, shall be  
2 subject to the penalties provided for in K.S.A. 79-3615(h), and  
3 amendments thereto;

4 (iii) all sales of tangible personal property or services purchased by a  
5 contractor for the purpose of constructing, maintaining, repairing,  
6 enlarging, furnishing or remodeling facilities for the operation of services  
7 for Wichita children's home for any such purpose that would be exempt  
8 from taxation under the provisions of this section if purchased directly by  
9 Wichita children's home. Nothing in this subsection shall be deemed to  
10 exempt the purchase of any construction machinery, equipment or tools  
11 used in the constructing, maintaining, repairing, enlarging, furnishing or  
12 remodeling such facilities for Wichita children's home. When Wichita  
13 children's home contracts for the purpose of constructing, maintaining,  
14 repairing, enlarging, furnishing or remodeling such facilities, it shall obtain  
15 from the state and furnish to the contractor an exemption certificate for the  
16 project involved, and the contractor may purchase materials for  
17 incorporation in such project. The contractor shall furnish the number of  
18 such certificate to all suppliers from whom such purchases are made, and  
19 such suppliers shall execute invoices covering the same bearing the  
20 number of such certificate. Upon completion of the project, the contractor  
21 shall furnish to Wichita children's home a sworn statement, on a form to be  
22 provided by the director of taxation, that all purchases so made were  
23 entitled to exemption under this subsection. All invoices shall be held by  
24 the contractor for a period of five years and shall be subject to audit by the  
25 director of taxation. If any materials purchased under such a certificate are  
26 found not to have been incorporated in the building or other project or not  
27 to have been returned for credit or the sales or compensating tax otherwise  
28 imposed upon such materials that will not be so incorporated in the  
29 building or other project reported and paid by such contractor to the  
30 director of taxation not later than the 20<sup>th</sup> day of the month following the  
31 close of the month in which it shall be determined that such materials will  
32 not be used for the purpose for which such certificate was issued, Wichita  
33 children's home shall be liable for the tax on all materials purchased for the  
34 project, and upon payment, it may recover the same from the contractor  
35 together with reasonable attorney fees. Any contractor or any agent,  
36 employee or subcontractor, who shall use or otherwise dispose of any  
37 materials purchased under such a certificate for any purpose other than that  
38 for which such a certificate is issued without the payment of the sales or  
39 compensating tax otherwise imposed upon such materials, shall be guilty  
40 of a misdemeanor and, upon conviction, shall be subject to the penalties  
41 provided for in K.S.A. 79-3615(h), and amendments thereto;

42 (jjj) all sales of tangible personal property or services purchased by  
43 or on behalf of the beacon, inc., that is exempt from federal income

1 taxation pursuant to section 501(c)(3) of the federal internal revenue code,  
2 for the purpose of providing those desiring help with food, shelter, clothing  
3 and other necessities of life during times of special need;

4 (kkkk) all sales of tangible personal property and services purchased  
5 by or on behalf of reaching out from within, inc., which is exempt from  
6 federal income taxation pursuant to section 501(c)(3) of the federal  
7 internal revenue code, for the purpose of sponsoring self-help programs for  
8 incarcerated persons that will enable such incarcerated persons to become  
9 role models for non-violence while in correctional facilities and productive  
10 family members and citizens upon return to the community;

11 (llll) all sales of tangible personal property and services purchased by  
12 Gove county healthcare endowment foundation, inc., which is exempt  
13 from federal income taxation pursuant to section 501(c)(3) of the federal  
14 internal revenue code of 1986, and which such property and services are  
15 used for the purpose of constructing and equipping an airport in Quinter,  
16 Kansas, and all sales of tangible personal property or services purchased  
17 by a contractor for the purpose of constructing and equipping an airport in  
18 Quinter, Kansas, for such organization, that would be exempt from  
19 taxation under the provisions of this section if purchased directly by such  
20 organization. Nothing in this subsection shall be deemed to exempt the  
21 purchase of any construction machinery, equipment or tools used in the  
22 constructing or equipping of facilities for such organization. When such  
23 organization shall contract for the purpose of constructing or equipping an  
24 airport in Quinter, Kansas, it shall obtain from the state and furnish to the  
25 contractor an exemption certificate for the project involved, and the  
26 contractor may purchase materials for incorporation in such project. The  
27 contractor shall furnish the number of such certificate to all suppliers from  
28 whom such purchases are made, and such suppliers shall execute invoices  
29 covering the same bearing the number of such certificate. Upon  
30 completion of the project, the contractor shall furnish to such organization  
31 concerned a sworn statement, on a form to be provided by the director of  
32 taxation, that all purchases so made were entitled to exemption under this  
33 subsection. All invoices shall be held by the contractor for a period of five  
34 years and shall be subject to audit by the director of taxation. If any  
35 materials purchased under such a certificate are found not to have been  
36 incorporated in such facilities or not to have been returned for credit or the  
37 sales or compensating tax otherwise imposed upon such materials that will  
38 not be so incorporated in such facilities reported and paid by such  
39 contractor to the director of taxation no later than the 20<sup>th</sup> day of the month  
40 following the close of the month in which it shall be determined that such  
41 materials will not be used for the purpose for which such certificate was  
42 issued, such organization concerned shall be liable for tax on all materials  
43 purchased for the project, and upon payment thereof it may recover the

1 same from the contractor together with reasonable attorney fees. Any  
2 contractor or any agent, employee or subcontractor thereof, who purchased  
3 under such a certificate for any purpose other than that for which such a  
4 certificate is issued without the payment of the sales or compensating tax  
5 otherwise imposed upon such materials, shall be guilty of a misdemeanor  
6 and, upon conviction therefor, shall be subject to the penalties provided for  
7 in K.S.A. 79-3615(h), and amendments thereto. The provisions of this  
8 subsection shall expire and have no effect on and after July 1, 2019;

9 (mmmm) all sales of gold or silver coins; and palladium, platinum,  
10 gold or silver bullion. For the purposes of this subsection, "bullion" means  
11 bars, ingots or commemorative medallions of gold, silver, platinum,  
12 palladium, or a combination thereof, for which the value of the metal  
13 depends on its content and not the form;

14 (nnnn) all sales of tangible personal property or services purchased  
15 by friends of hospice of Jefferson county, an organization that is exempt  
16 from federal income taxation pursuant to section 501(c)(3) of the federal  
17 internal revenue code of 1986, for the purpose of providing support to the  
18 Jefferson county hospice agency in end-of-life care of Jefferson county  
19 families, friends and neighbors, and all sales of entry or participation fees,  
20 charges or tickets by friends of hospice of Jefferson county for such  
21 organization's fundraising event for such purpose;

22 (oooo) all sales of tangible personal property or services purchased  
23 for the purpose of and in conjunction with constructing, reconstructing,  
24 enlarging or remodeling a qualified business facility by a qualified firm or  
25 qualified supplier that meets the requirements established in K.S.A. 2024  
26 Supp. 74-50,312 and 74-50,319, and amendments thereto, and that has  
27 been approved for a project exemption certificate by the secretary of  
28 commerce, and the sale and installation of machinery and equipment  
29 purchased by such qualified firm or qualified supplier for installation at  
30 any such qualified business facility. When a person shall contract for the  
31 construction, reconstruction, enlargement or remodeling of any such  
32 qualified business facility, such person shall obtain from the state and  
33 furnish to the contractor an exemption certificate for the project involved,  
34 and the contractor may purchase materials, machinery and equipment for  
35 incorporation in such project. The contractor shall furnish the number of  
36 such certificates to all suppliers from whom such purchases are made, and  
37 such suppliers shall execute invoices covering the same bearing the  
38 number of such certificate. Upon completion of the project, the contractor  
39 shall furnish to the owner of the qualified firm or qualified supplier a  
40 sworn statement, on a form to be provided by the director of taxation, that  
41 all purchases so made were entitled to exemption under this subsection.  
42 All invoices shall be held by the contractor for a period of five years and  
43 shall be subject to audit by the director of taxation. Any contractor or any

1 agent, employee or subcontractor thereof who shall use or otherwise  
2 dispose of any materials, machinery or equipment purchased under such a  
3 certificate for any purpose other than that for which such a certificate is  
4 issued without the payment of the sales or compensating tax otherwise  
5 imposed thereon, shall be guilty of a misdemeanor and, upon conviction  
6 therefor, shall be subject to the penalties provided for in K.S.A. 79-  
7 3615(h), and amendments thereto. As used in this subsection, "qualified  
8 business facility," "qualified firm" and "qualified supplier" mean the same  
9 as defined in K.S.A. 2024 Supp. 74-50,311, and amendments thereto;

10 (pppp) (1) all sales of tangible personal property or services  
11 purchased by a not-for-profit corporation that is designated as an area  
12 agency on aging by the secretary for aging and disabilities services and is  
13 exempt from federal income taxation pursuant to section 501(c)(3) of the  
14 federal internal revenue code for the purpose of coordinating and  
15 providing seniors and those living with disabilities with services that  
16 promote person-centered care, including home-delivered meals,  
17 congregate meal settings, long-term case management, transportation,  
18 information, assistance and other preventative and intervention services to  
19 help service recipients remain in their homes and communities or for the  
20 purpose of constructing, equipping, reconstructing, maintaining, repairing,  
21 enlarging, furnishing or remodeling facilities for such area agency on  
22 aging; and

23 (2) all sales of tangible personal property or services purchased by a  
24 contractor for the purpose of constructing, equipping, reconstructing,  
25 maintaining, repairing, enlarging, furnishing or remodeling facilities for an  
26 area agency on aging that would be exempt from taxation under the  
27 provisions of this section if purchased directly by such area agency on  
28 aging. Nothing in this paragraph shall be deemed to exempt the purchase  
29 of any construction machinery, equipment or tools used in the  
30 constructing, equipping, reconstructing, maintaining, repairing, enlarging,  
31 furnishing or remodeling facilities for an area agency on aging. When an  
32 area agency on aging contracts for the purpose of constructing, equipping,  
33 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling  
34 facilities, it shall obtain from the state and furnish to the contractor an  
35 exemption certificate for the project involved, and such contractor may  
36 purchase materials for incorporation in such project. The contractor shall  
37 furnish the number of such certificate to all suppliers from whom such  
38 purchases are made, and such suppliers shall execute invoices covering the  
39 same bearing the number of such certificate. Upon completion of the  
40 project, the contractor shall furnish to such area agency on aging a sworn  
41 statement, on a form to be provided by the director of taxation, that all  
42 purchases so made were entitled to exemption under this subsection. All  
43 invoices shall be held by the contractor for a period of five years and shall

1 be subject to audit by the director of taxation. If any materials purchased  
2 under such a certificate are found not to have been incorporated in the  
3 building or other project or not to have been returned for credit or the sales  
4 or compensating tax otherwise imposed upon such materials that will not  
5 be so incorporated in the building or other project reported and paid by  
6 such contractor to the director of taxation not later than the 20<sup>th</sup> day of the  
7 month following the close of the month in which it shall be determined  
8 that such materials will not be used for the purpose for which such  
9 certificate was issued, the area agency on aging concerned shall be liable  
10 for tax on all materials purchased for the project, and upon payment  
11 thereof, the area agency on aging may recover the same from the  
12 contractor together with reasonable attorney fees. Any contractor or any  
13 agent, employee or subcontractor thereof who shall use or otherwise  
14 dispose of any materials purchased under such a certificate for any purpose  
15 other than that for which such a certificate is issued without the payment  
16 of the sales or compensating tax otherwise imposed upon such materials  
17 shall be guilty of a misdemeanor and, upon conviction therefor, shall be  
18 subject to the penalties provided for in K.S.A. 79-3615(h), and  
19 amendments thereto;

20 (qqqq) all sales of tangible personal property or services purchased  
21 by Kansas suicide prevention HQ, inc., an organization that is exempt  
22 from federal income taxation pursuant to section 501(c)(3) of the federal  
23 internal revenue code of 1986, for the purpose of bringing suicide  
24 prevention training and awareness to communities across the state;

25 (rrrr) all sales of the services of slaughtering, butchering, custom  
26 cutting, dressing, processing and packaging of an animal for human  
27 consumption when the animal is delivered or furnished by a customer that  
28 owns the animal and such meat or poultry is for use or consumption by  
29 such customer;

30 (ssss) all sales of tangible personal property or services purchased by  
31 or on behalf of doorstep inc., an organization that is exempt from federal  
32 income taxation pursuant to section 501(c)(3) of the federal internal  
33 revenue code of 1986, for the purpose of providing short-term emergency  
34 aid to families and individuals in need, including assistance with food,  
35 clothing, rent, prescription medications, transportation and utilities, and  
36 providing information on services to promote long-term self-sufficiency;

37 (tttt) on and after January 1, 2024, all sales of tangible personal  
38 property or services purchased by exploration place, inc., an organization  
39 that is exempt from federal income taxation pursuant to section 501(c)(3)  
40 of the federal internal revenue code, and which such property and services  
41 are used for the purpose of constructing, remodeling, furnishing or  
42 equipping a riverfront amphitheater, a destination playscape, an education  
43 center and indoor renovations at exploration place in Wichita, Kansas, all

1 sales of tangible personal property or services purchased by Kansas  
2 children's discovery center inc. in Topeka, Kansas, and which such  
3 property and services are used for the purpose of constructing, remodeling,  
4 furnishing or equipping projects that include indoor-outdoor classrooms,  
5 an expanded multi-media gallery, a workshop and loading dock and safety  
6 upgrades such as a tornado shelter, lactation room, first aid room and  
7 sensory room and all sales of tangible personal property or services  
8 purchased by a contractor for the purpose of constructing, remodeling,  
9 furnishing or equipping such projects, for such organizations, that would  
10 be exempt from taxation under the provisions of this section if purchased  
11 directly by such organizations. Nothing in this subsection shall be deemed  
12 to exempt the purchase of any construction machinery, equipment or tools  
13 used in the constructing, remodeling, furnishing or equipping of facilities  
14 for such organization. When such organization shall contract for the  
15 purpose of constructing, remodeling, furnishing or equipping such  
16 projects, it shall obtain from the state and furnish to the contractor an  
17 exemption certificate for the project involved, and the contractor may  
18 purchase materials for incorporation in such project. The contractor shall  
19 furnish the number of such certificate to all suppliers from whom such  
20 purchases are made, and such suppliers shall execute invoices covering the  
21 same bearing the number of such certificate. Upon completion of the  
22 project, the contractor shall furnish to such organization a sworn statement,  
23 on a form to be provided by the director of taxation, that all purchases so  
24 made were entitled to exemption under this subsection. All invoices shall  
25 be held by the contractor for a period of five years and shall be subject to  
26 audit by the director of taxation. If any materials purchased under such a  
27 certificate are found not to have been incorporated in such facilities or not  
28 to have been returned for credit or the sales or compensating tax otherwise  
29 imposed upon such materials that will not be so incorporated in such  
30 facilities reported and paid by such contractor to the director of taxation no  
31 later than the 20<sup>th</sup> day of the month following the close of the month in  
32 which it shall be determined that such materials will not be used for the  
33 purpose for which such certificate was issued, such organization shall be  
34 liable for tax on all materials purchased for the project, and upon payment  
35 thereof may recover the same from the contractor together with reasonable  
36 attorney fees. Any contractor or agent, employee or subcontractor thereof,  
37 who purchased under such a certificate for any purpose other than that for  
38 which such a certificate is issued without the payment of the sales or  
39 compensating tax otherwise imposed upon such materials, shall be guilty  
40 of a misdemeanor and, upon conviction therefor, shall be subject to the  
41 penalties provided for in K.S.A. 79-3615(h), and amendments thereto.  
42 Sales tax paid on and after January 1, 2024, but prior to the effective date  
43 of this act, upon the gross receipts received from any sale exempted by the



1 amendatory provisions of this subsection shall be refunded. Each claim for  
2 a sales tax refund shall be verified and submitted to the director of taxation  
3 upon forms furnished by the director and shall be accompanied by any  
4 additional documentation required by the director. The director shall  
5 review each claim and shall refund that amount of sales tax paid as  
6 determined under the provisions of this subsection. All refunds shall be  
7 paid from the sales tax refund fund upon warrants of the director of  
8 accounts and reports pursuant to vouchers approved by the director or the  
9 director's designee. The provisions of this subsection shall expire and have  
10 no effect on and after December 31, 2030;

11 (uuuu) (1) (A) all sales of equipment, machinery, software, ancillary  
12 components, appurtenances, accessories or other infrastructure purchased  
13 for use in the provision of communications services; and

14 (B) all services purchased by a provider in the provision of the  
15 communications service used in the repair, maintenance or installation in  
16 such communications service.

17 (2) As used in this subsection:

18 (A) "Communications service" means internet access service,  
19 telecommunications service, video service or any combination thereof.

20 (B) "Equipment, machinery, software, ancillary components,  
21 appurtenances, accessories or other infrastructure" includes, but is not  
22 limited to:

23 (i) Wires, cables, fiber, conduits, antennas, poles, switches, routers,  
24 amplifiers, rectifiers, repeaters, receivers, multiplexers, duplexers,  
25 transmitters, circuit cards, insulating and protective materials and cases,  
26 power equipment, backup power equipment, diagnostic equipment, storage  
27 devices, modems, cable modem termination systems and servers;

28 (ii) other general central office or headend equipment, such as  
29 channel cards, frames and cabinets;

30 (iii) equipment used in successor technologies, including items used  
31 to monitor, test, maintain, enable or facilitate qualifying equipment,  
32 machinery, software, ancillary components, appurtenances and  
33 accessories; and

34 (iv) other infrastructure that is used in whole or in part to provide  
35 communications services, including broadcasting, distributing, sending,  
36 receiving, storing, transmitting, retransmitting, amplifying, switching,  
37 providing connectivity for or routing communications services.

38 (C) "Internet access service" means the same as internet access as  
39 defined in section 1105 of the internet tax freedom act amendments of  
40 2007, public law 110-108.

41 (D) "Provider" means a person or entity that sells communications  
42 service, including an affiliate or subsidiary.

43 (E) "Telecommunications service" means the same as defined in

1 K.S.A. 79-3602, and amendments thereto.

2 (F) "Video service" means the same as defined in K.S.A. 12-2022,  
3 and amendments thereto.

4 (3) The provisions of this subsection shall expire and have no effect  
5 on and after July 1, 2029;

6 (vvvv) (1) all sales of tangible personal property or services  
7 purchased by a contractor for the purpose of constructing, equipping,  
8 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling  
9 a building that is operated by, or is intended to be operated by, the Kansas  
10 fairgrounds foundation, a not-for-profit corporation exempt from federal  
11 income taxation pursuant to section 501(c)(3) of the federal internal  
12 revenue code of 1986, and located on the grounds of the Kansas state fair,  
13 and such tangible personal property would be exempt from taxation under  
14 the provisions of this paragraph if purchased directly by such eligible not-  
15 for-profit corporation. Nothing in this subsection shall be deemed to  
16 exempt the purchase of any construction machinery, equipment or tools  
17 used in the constructing, equipping, reconstructing, maintaining, repairing,  
18 enlarging, furnishing or remodeling a building for such eligible not-for-  
19 profit corporation. When such eligible not-for-profit corporation contracts  
20 for the purpose of constructing, equipping, reconstructing, maintaining,  
21 repairing, enlarging, furnishing or remodeling a building, such corporation  
22 shall obtain from the state and furnish to the contractor an exemption  
23 certificate for the project involved, and such contractor may purchase  
24 materials for incorporation in such project. The contractor shall furnish the  
25 number of such certificate to all suppliers from whom such purchases are  
26 made, and such suppliers shall execute invoices covering such purchases  
27 bearing the number of such certificate. Upon completion of the project, the  
28 contractor shall furnish to such eligible not-for-profit corporation a sworn  
29 statement, on a form to be provided by the director of taxation, that all  
30 purchases so made were entitled to exemption under this subsection. All  
31 invoices shall be held by the contractor for a period of five years and shall  
32 be subject to audit by the director of taxation. If any materials purchased  
33 under such a certificate are found not to have been incorporated in the  
34 building or returned for credit, the contractor shall report and pay the sales  
35 or compensating tax to the director of taxation not later than the 20<sup>th</sup> day of  
36 the month following the close of the month in which it is determined that  
37 such materials will not be used for the purpose for which such certificate  
38 was issued. The eligible not-for-profit corporation concerned shall be  
39 liable for tax on all materials purchased for the project, and upon payment  
40 thereof, the eligible not-for-profit corporation may recover the same from  
41 the contractor together with reasonable attorney fees. Any contractor or  
42 any agent, employee or subcontractor thereof who shall use or otherwise  
43 dispose of any materials purchased under such a certificate for any purpose

1 other than that for which such a certificate is issued without the payment  
2 of the sales or compensating tax otherwise imposed upon such materials  
3 shall be guilty of a misdemeanor and, upon conviction therefor, shall be  
4 subject to the penalties provided for in K.S.A. 79-3615(h), and  
5 amendments thereto; *and*

6 (2) sales tax paid on and after May 19, 2023, but prior to the effective  
7 date of this act upon the gross receipts received from any sale ~~which~~ *that*  
8 would have been exempted by the provisions of this subsection had such  
9 sale occurred after the effective date of this act shall be refunded. Each  
10 claim for a sales tax refund shall be verified and submitted to the director  
11 of taxation upon forms furnished by the director and shall be accompanied  
12 by any additional documentation required by the director. The director  
13 shall review each claim and shall refund that amount of sales tax paid as  
14 determined under the provisions of this subsection. All refunds shall be  
15 paid from the sales tax refund fund upon warrants of the director of  
16 accounts and reports pursuant to vouchers approved by the director or the  
17 director's designee; *and*

18 (www) (1) all sales of tangible personal property or services  
19 purchased by a pregnancy resource center or residential maternity facility;  
20 *and*

21 (2) as used in this subsection, "pregnancy resource center" or  
22 "residential maternity facility" means an organization that is:

23 (A) Exempt from federal income taxation pursuant to section 501(c)  
24 (3) of the federal internal revenue code of 1986;

25 (B) a nonprofit organization organized under the laws of this state;  
26 *and*

27 (C) a pregnancy resource center or residential maternity facility that:

28 (i) Maintains a dedicated phone number for clients;

29 (ii) maintains in this state its primary physical office, clinic or  
30 residential home that is open for clients for a minimum of 20 hours per  
31 week, excluding state holidays;

32 (iii) offers services, at no cost to the client, for the express purpose of  
33 providing assistance to women in order to carry their pregnancy to term,  
34 encourage parenting or adoption, prevent abortion and promote healthy  
35 childbirth; *and*

36 (iv) utilizes trained healthcare providers, as defined by K.S.A. 2024  
37 Supp. 79-32,316, and amendments thereto, to perform any available  
38 medical procedures.

39 New Sec. 23. The provisions of this act are severable. If any portion  
40 of this act is held by a court to be unconstitutional or invalid, or the  
41 application of any portion of this act to any person or circumstance is held  
42 by a court to be unconstitutional or invalid, the invalidity shall not affect  
43 other portions of this act that can be given effect without the invalid

1 portion or application, and the applicability of such other portions of this  
2 act to any person or circumstance remains valid and enforceable.

3 Sec. 24. K.S.A. 21-5301, 21-5302, 21-5303, 38-2003, 65-4a02, 65-  
4 4a03, 65-4a04, 65-4a05, 65-4a06, 65-4a07, 65-4a08, 65-4a09, 65-4a10,  
5 65-4a11, 65-4a12, 65-2837, 65-6702, 65-6703, 65-6704, 65-6705, 65-  
6 6707, 65-6709, 65-6710, 65-6711, 65-6712, 65-6714, 65-6715, 65-6721,  
7 65-6722, 65-6724, 65-6725, 65-6726, 65-6731, 65-6732, 65-6741, 65-  
8 6743, 65-6744, 65-6745, 65-6746, 65-6747, 65-6748, 65-6749, 65-67a01,  
9 65-67a02, 65-67a04, 65-67a07, 65-67a09, 76-3308 and 79-32,195 and  
10 K.S.A. 2024 Supp. 60-1901, 60-1906, 65-445, 65-4a01, 65-2401, 65-6701,  
11 65-6708, 65-6723, 65-6742, 79-32,182b, 79-32,261 and 79-3606 are  
12 hereby repealed.

13 Sec. 25. This act shall take effect and be in force from and after its  
14 publication in the statute book.