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SENATE BILL NO. 709

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Finance
on February 10, 1997)

(Patrons Prior to Substitute—Senators Colgan [SB 664], Benedetti [SB 790], Howell [SB 669], Maxwell [SB 752], Saslaw [SB 779 and SB 780], Ticer [SB 688], Walker [SB 786], Wampler [SB 716 and SB 787], and Woods [SB 741 and SB 742])

A BILL to amend and reenact §§ 58.1-609.7, 58.1-609.8, 58.1-609.9 and 58.1-609.10 of the Code of Virginia, relating to nonprofit civic and community service sales and use tax exemptions.

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-609.7, 58.1-609.8, 58.1-609.9 and 58.1-609.10 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-609.7. Medical-related exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Medicines, drugs, hypodermic syringes, artificial eyes, contact lenses, eyeglasses and hearing aids dispensed by or sold on prescriptions or work orders of licensed physicians, dentists, optometrists, ophthalmologists, opticians, audiologists, hearing aid dealers and fitters, nurse practitioners, physician's assistants, and veterinarians; controlled drugs purchased for use by a licensed physician in his professional practice, regardless of whether such practice is organized as a sole proprietorship, partnership or professional corporation, or any other type of corporation in which the shareholders and operators are all licensed physicians engaged in the practice of medicine, but excluding hospitals, nursing homes, clinics, and similar corporations not otherwise exempt under this section; and samples of prescription drugs and medicines and their packaging distributed free of charge to authorized recipients in accordance with the Federal Food, Drug and Cosmetic Act (21 U.S.C.A. § 301 et seq., as amended). Any veterinarian dispensing or selling medicines or drugs on prescription shall be deemed to be the user or consumer of all such medicines and drugs.

2. Wheelchairs and parts therefor, braces, crutches, prosthetic devices, orthopedic appliances, catheters, urinary accessories, other durable medical equipment and devices, and related parts and supplies specifically designed for those products; and insulin and insulin syringes, and equipment, devices or chemical reagents which may be used by a diabetic to test or monitor blood or urine, when such items or parts are purchased by or on behalf of an individual for use by such individual. Durable medical equipment is equipment which (i) can withstand repeated use, (ii) is primarily and customarily used to serve a medical purpose, (iii) generally is not useful to a person in the absence of illness or injury, and (iv) is appropriate for use in the home.

3. Drugs and supplies used in hemodialysis and peritoneal dialysis.

4. Tangible personal property for use or consumption by a nonprofit hospital or a nonprofit licensed nursing home.

5. Tangible personal property for use or consumption by community health centers exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and established for the purpose of providing health care services for areas of the Commonwealth containing a medically underserved population as defined by 42 U.S.C. § 254 c (b) (3).

6. Special equipment installed on a motor vehicle when purchased by a handicapped person to enable such person to operate the motor vehicle.

7. Tangible nonmedical personal property purchased by a nonprofit organization organized exclusively for the purpose of providing housing and ancillary assistance for individuals suffering from leukemia or oncological diseases, for other ill individuals, and for the families of such individuals during periods of medical treatment of such individuals at any hospital in the Commonwealth.

8. Tangible personal property purchased by a voluntary health organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized exclusively for the purpose of providing direct therapeutic and rehabilitative services, such as speech therapy, physical therapy, and camping and recreational activities, to the children and adults of this Commonwealth regardless of the nature of their disease or socio-economic position.

9. Special typewriters and computers and related parts and supplies specifically designed for those products used by handicapped persons to communicate when such equipment is prescribed by a licensed physician.

10. Tangible personal property purchased for use or consumption by health maintenance organizations licensed under Chapter 43 (§ 38.2-4300 et seq.) of Title 38.2 which are exempt from taxation under § 501 (c) (3) of the Internal Revenue Code.

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11. Tangible personal property for use or consumption by a nonprofit, nonstock corporation which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized under the laws of the Commonwealth exclusively for the purpose of conducting a clinic furnishing free health care services by licensed physicians and dentists.

12. Tangible personal property purchased for use or consumption by any nonprofit hospital cooperative or nonprofit hospital corporation organized and operated for the sole purpose of providing services exclusively to nonprofit hospitals. This exemption shall not apply to any nonprofit hospital, cooperative or nonprofit hospital corporation providing services of any kind or to any extent to other than nonprofit hospitals.

13. From July 1, 1989, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit high blood pressure center which is used exclusively to provide medical assistance to indigent persons diagnosed with hypertension.

14. From July 1, 1989, through June 30, 1998, tangible personal property purchased for use or consumption by a tissue bank exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and established for purposes of procuring, preserving, processing, allocating or distributing bones, organs, blood, skin and other human tissue to licensed physicians for clinical use.

15. Beginning July 1, 1998, any nonprescription drugs and proprietary medicines purchased for the cure, mitigation, treatment, or prevention of disease in human beings. The terms "nonprescription drugs" and "proprietary medicines" shall be defined pursuant to regulations promulgated by the Department of Taxation. The exemption authorized in this subdivision shall not apply to cosmetics.

16. From July 1, 1994, through June 30, 1998, tangible personal property purchased for use or consumption or sold by a volunteer medical services organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and established to provide reconstructive surgery and related health care to indigent children and young adults in developing countries and the United States.

17. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized exclusively for educational, scientific, and charitable purposes relating to the promotion of health within the boundaries of the Eighth Planning District established pursuant to § 15.1-1403, including (i) operating a medical clinic which shall provide services without charge or shall charge less than prevailing rates to those who are unable to obtain health care through conventional means and (ii) educating and providing information to the general public regarding the treatment and prevention of those conditions which commonly affect the poor.

18. From July 1, 1995, through June 30, 1998, equipment and supplies purchased for use or consumption by a nonprofit charitable organization which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ambulance services for low-income medical patients in the Commonwealth.

19. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, organized exclusively to provide medical and psychological evaluations and direct therapeutic and rehabilitative medical and psychological treatment and services to child-abuse victims within the boundaries of the Twenty-third Planning District established pursuant to § 15.1-1403.

20. Through June 30, 1998, medical products and supplies, which are otherwise taxable, such as bandages, gauze dressings, incontinence products and wound-care products, when purchased by a Medicaid recipient through a Department of Medical Assistance Services provider agreement.

21. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and established to provide a comprehensive network of medical and psycho-social treatment to adults, on both an inpatient and outpatient basis, or to adolescent patients in a residential setting, within the boundaries of the Fifteenth Planning District established pursuant to § 15.1-1403.

22. From July 1, 1996, through June 30, 1998, tangible personal property purchased for use or consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized and operated primarily to benefit a medical college affiliated with a state university by providing support services to and conducting the professional practices of faculty members associated with such medical college.

23. *From July 1, 1997, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and established at the initiative of the General Assembly and its Joint Commission on Health Care to increase access to primary and preventive health care for Virginia's uninsured and medically underserved citizens.*

§ 58.1-609.8. Nonprofit civic and community service exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606

shall not apply to the following:

1. Tangible personal property purchased for use or consumption by or sold by a volunteer fire department or volunteer rescue squad, an auxiliary or junior organization of such department or squad not conducted for profit, a nonprofit association of which the regular membership is composed of such volunteer fire departments or volunteer rescue squads, and construction materials to be incorporated into realty when sold to and used by such organization, rather than a contractor, in construction, maintenance, or repair of any property of such organization.

2. Tangible personal property, except property used in any form of recording and reproducing services, purchased by churches organized not for profit and which are exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, or whose real property is exempt from local taxation pursuant to the provisions of § 58.1-3606, for use (i) in religious worship services by a congregation or church membership while meeting together in a single location and (ii) in the libraries, offices, meeting or counseling rooms or other rooms in the public church buildings used in carrying out the work of the church and its related ministries, including kindergarten, elementary and secondary schools. The exemption for such churches shall also include baptistries; bulletins, programs, newspapers and newsletters which do not contain paid advertising and are used in carrying out the work of the church; gifts including food for distribution outside the public church building; and food, disposable serving items, cleaning supplies and teaching materials used in the operation of camps or conference centers by the church or an organization composed of churches that are exempt under this subdivision and which are used in carrying out the work of the church or churches.

3. Tangible personal property sold or leased for use in nonprofit nutrition programs for the elderly qualifying under 42 U.S.C. § 3030 (e) through (g), as amended, as administered by the Virginia Department for the Aging, and the food and food products sold under such programs to elderly persons and the food and food products sold by such program participants to disabled or handicapped persons under the age of sixty.

4. Tangible personal property bought, sold or used by Virginia Federation of Humane Societies or any chartered, not-for-profit organization incorporated under the laws of this Commonwealth and organized for the purpose of preventing cruelty to animals and promoting humane care of animals, when such property is used for the operation of such organizations or the construction or maintenance of animal shelters.

5. Tangible personal property withdrawn from inventory and donated to (i) an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code or (ii) the Commonwealth, any political subdivision of the Commonwealth, or any school, agency or instrumentality thereof.

6. Tangible personal property purchased by an organization which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized primarily to distribute, during the Christmas season, food, toys, and clothing to persons in financial need, provided such tangible personal property is distributed at no cost to financially needy persons.

7. Tangible personal property, including food and food products, purchased for use or consumption by a residential youth shelter organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, provided such organization is organized exclusively for maintaining and operating group homes for the shelter and care of abused and neglected children in the Commonwealth on a long-term or short-term basis.

8. Tangible personal property purchased for use or consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized exclusively for the purpose of providing education, training, services, and assistance in independent living to foster care children and youth without families.

9. Tangible personal property for use or consumption by, sold by or donated to a food bank or organization exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue Code and organized exclusively for the distribution of foods to infants, the ill, or the needy; the exemptions shall apply to each transaction in the chain of commerce from manufacture to final disposition, provided that such food bank or organization is not conducted for profit.

10. Tangible personal property for use or consumption by a licensed nonprofit adult care residence as defined in § 63.1-172 or a licensed nonprofit adult day-care center as defined in § 63.1-194.1.

11. From July 1, 1989, through June 30, 1998, tangible personal property purchased for use or consumption by or sold by a nonstock, nonprofit charitable organization, exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and from local real estate taxation, which is organized exclusively to foster, sponsor and promote physical education, athletic programs and contests for youths in the Commonwealth.

12. From July 1, 1989, through June 30, 1998, tangible personal property purchased for use or consumption by a shelter for homeless individuals operated by an organization exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue Code, or tangible personal property purchased for use

or consumption by a § 501 (c) (3) organization that is organized exclusively for the purpose of providing food, shelter, clothing or other items to homeless persons in the Commonwealth.

13. From July 1, 1989, through June 30, 1998, tangible personal property purchased for use or consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized for the purpose of preparing and publishing a free travel guide for handicapped travelers.

14. From July 1, 1989, through June 30, 1998, tangible personal property purchased for use or consumption, or to be sold at retail, by any nonsectarian youth organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code which is organized for the purposes of the character development and citizenship training of its members using the methods now in common use by Girl Scout or Boy Scout organizations in Virginia.

15. From July 1, 1990, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization which under contract with a municipality operates Head Start programs, extended day-care programs, and a shelter for runaways.

16. From July 1, 1990, through June 30, 1998, tangible personal property purchased for use or consumption by a nonstock, nonprofit charitable corporation exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and from local property taxes and organized and operated to offer social services, including, but not limited to, aid or assistance to travelers who, for financial or other reasons, find themselves stranded or otherwise in distress and in need of temporary assistance (traveler's aid); family life education; assistance to persons interested in the adoption of children or acting as foster care parents; counseling to persons in financial need or distress and the provision of services related thereto; counseling for individuals living with persons afflicted with mental health problems or the mentally retarded, as well as providing services directly to the mentally ill or mentally retarded; and related social welfare activities.

17. From July 1, 1990, through June 30, 1998, tangible personal property purchased for use or consumption by a nonstock, nonprofit charitable corporation exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized and operated to offer social services, including, but not limited to, transitional housing for homeless individuals, employment counseling, placement and referral services to persons in financial need, health-related assistance, child care for children whose parents are either employed or enrolled in job training programs, emergency assistance (including the provision of food) to persons in financial need who may face eviction or termination of utility services, and related social welfare activities.

18. From July 1, 1990, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue Code and which provides equipment, furniture, motor vehicles, and other types of tangible personal property to assist mentally retarded or mentally ill citizens of the Commonwealth.

19. From July 1, 1991, through June 30, 1998, tangible personal property purchased for use or consumption by a community action agency as defined in § 2.1-588.

20. Effective retroactive to January 1, 1984, and through June 30, 1998, tangible personal property for use or consumption, or further distribution, or sold by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized and operated exclusively for the purposes of providing education, training, certification in emergency cardiac care, research, and other related services to reduce disability and death from cardiovascular diseases and stroke.

21. Effective retroactive to January 1, 1984, and through June 30, 1998, tangible personal property for use or consumption, or further distribution, or sold by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of eliminating all lung disease, including asthma, emphysema, lung cancer and pneumonia, through medical research, public education focusing on disease prevention and education, patient education including information on coping with lung disease, smoking and air pollution prevention, and professional education and training.

22. Effective retroactive to January 1, 1984, and through June 30, 1998, tangible personal property for use or consumption, or further distribution, or sold by a statewide organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training.

23. Effective retroactive to January 1, 1984, and through June 30, 1998, tangible personal property for use or consumption, or further distribution, or sold by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code which is organized exclusively for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives from cancer, and diminishing suffering from cancer through research, education and service.

24. From July 1, 1991, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal

Revenue Code and organized exclusively for the purpose of promoting and supporting conservation and environmental issues throughout the Commonwealth by encouraging the protection and restoration of waters, wildlife and land; safeguarding the public health by eliminating pollution; nurturing and improving wildlife stocks; promoting the highest standards of sportsmanship and strengthening farmer-sportsmen understanding; and performing other environmental services.

25. From July 1, 1991, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit charitable organization which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized exclusively to provide immediate and affordable counseling, and regularly scheduled workshops to address the psychological, educational, and professional concerns of women and their families.

26. From July 1, 1991, through June 30, 1998, tangible personal property purchased for use or consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized exclusively to advance the moral character and to promote sportsmanship, team spirit, fair play, honesty, and patriotism among youth by providing and supervising clean and wholesome activities for the youth in Appomattox County who participate in its programs.

27. From July 1, 1991, through June 30, 1998, tangible personal property purchased and sold by a nonprofit organization exempt from taxation under § 501 (c) (3) or (4) of the Internal Revenue Code, organized exclusively to provide aid and assistance to (i) the blind or visually impaired or programs devoted to the prevention of the loss of eyesight; (ii) the deaf or hearing impaired; (iii) drug abuse and drug awareness programs; (iv) diabetes and diabetes detection; and (v) cultural and educational opportunities for the musically talented boys and girls of the Commonwealth, for use in fund-raising activities, provided the net proceeds (gross receipts less expenses) from such sales are contributed directly to or used to fund the charitable purposes for which the organization is organized.

28. From July 1, 1991, through June 30, 1998, tangible personal property purchased for use or consumption in the performance of emergency services by Radio Emergency Associated Communications Teams which are nonprofit organizations that operate and maintain public service communications and provide emergency services to motorists and their local communities.

29. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, organized for the purpose of providing child-care scholarships for needy families with proceeds from the sale of donated clothing, accessories, and children's toys, within the boundaries of the Tenth Planning District established pursuant to § 15.1-1403.

30. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, organized exclusively to provide aid and assistance to any person within the boundaries of the Twenty-third Planning District established pursuant to § 15.1-1403 between age sixteen and sixty-five who has life-controlling problems with drugs, alcohol, or crime through the following programs: (i) outreach and concerts at the prevention level; (ii) concerned counseling at the intervention level; and (iii) "in-house" treatment and care at the residential level.

31. From July 1, 1995, through June 30, 1998, tangible personal property sold by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized for the purpose of providing food packages at a reduced price through host organizations (i.e., churches, community centers, senior centers, medical centers, Headstart programs) to individuals who agree to perform community service.

32. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by organizations exempt from taxation under § 501 (c) (3) of the Internal Revenue Code (i) which are local chapters of a nonprofit national volunteer organization with chapters in at least fifteen states that was founded in the Commonwealth prior to 1950 and is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and (ii) whose purposes are to improve their communities through public works, fund raisers, and donations to other community groups.

33. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit family service organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized (i) to preserve, strengthen and promote healthy family life, to prevent individual and family breakdown, and to address other human service needs, (ii) to help solve the problems created by homelessness, substance abuse, dysfunctional families and cultural diversity through family and multicultural counseling, neighborhood development, college intern training, special foster care and housing services, (iii) to assist families in crisis, homeless youth and the elderly by providing a variety of social services such as services on behalf of children in their own homes, group programs for predelinquent and delinquent youths, individual and family counseling, family life education, and financial assistance and legal aid, or (iv) to provide services to families including professional counseling, home care aid, treatment for domestic violence, and casework services for older

adults.

34. From July 1, 1995, through June 30, 1998, lodging and meals for athletes, volunteers, and staff paid by, and tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) or (4) of the Internal Revenue Code and organized exclusively to provide year-round sports training and athletic competition in a variety of Olympic-type sports for persons in Virginia with mental retardation, age five and older, at no cost to the athlete.

35. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized and operated exclusively to foster, sponsor and promote sportsmanship, recreation, and health through athletic programs and contests for youths within the boundaries of the Fifteenth Planning District established pursuant to § 15.1-1403.

36. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized to provide individuals within the boundaries of the Twenty-third Planning District established pursuant to § 15.1-1403 who have disabling conditions with access to, support and assistance in the use of, and information concerning state-of-the-art technology in order to maximize their potential independence in their community; to maintain a computer technology information and lending library; to offer information and assistance on the use of technology in transition planning and independent living; and to conduct workshops and presentations on the uses of computer-related technology.

37. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by an organization which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized exclusively to provide a voice in court for abused and neglected children through volunteer court-appointed special advocates.

38. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized to provide emergency food and supplies for a limited period of time to needy recipients within the boundaries of the Nineteenth Planning District established pursuant to § 15.1-1403.

39. From July 1, 1996, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized exclusively to conduct annual fund-raising campaigns for the direct benefit of nonprofit member agencies.

40. From July 1, 1995, through June 30, 1998, food, food products, and services sold to residents under a Department of Housing and Urban Development-approved meal plan by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and receiving federal grant assistance under the Department of Housing and Urban Development Section 8 programs.

41. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) or (4) of the Internal Revenue Code and organized exclusively to provide a unique one-to-one relationship for at-risk children, ages five through eighteen, living in single-parent homes, by matching them with adult volunteers who provide them with support, guidance, and friendship while addressing their social, emotional, and academic needs.

42. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by any nonsectarian organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code which is organized exclusively for the purpose of providing education, training, services, assistance, and support to elementary and secondary educational institutions, using the methods now in common use by parents and teachers organizations throughout the Commonwealth.

43. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized exclusively to promote athletic programs, clinics, and organized sporting events and to provide opportunities for education, physical education, and the practice of sportsmanship through these programs to improve the quality of life for residents of the Commonwealth who are dependent on the use of wheelchairs for mobility.

44. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) or (4) of the Internal Revenue Code and organized exclusively to provide independent living skills training, peer counseling, advocacy, information and referral, and other independent living services to individuals with physical and mental disabilities in Virginia, including the provision of (i) direct services to individuals with severe disabilities which result in a greater level of independence and community integration and (ii) services in the community which result in greater awareness of disability issues, physical and programmatic accessibility, and systems change.

368 45. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
369 consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal
370 Revenue Code which is organized exclusively to provide a nondenominational religious outreach
371 program by lending or donating written material and audio or video tapes, at no cost to the recipient.

372 46. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
373 consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code
374 and established to promote character development and citizenship training for youth within the
375 boundaries of the Fifth Planning District established pursuant to § 15.1-1403 by providing a supervised
376 physical education program through softball teams and leagues.

377 47. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
378 consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal
379 Revenue Code and organized to provide needy individuals with financial assistance for rent and
380 mortgage payments, utilities payments, medical bills, and some home repair within the boundaries of the
381 Eighteenth Planning District established pursuant to § 15.1-1403.

382 48. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
383 consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal
384 Revenue Code and organized to repair or rehabilitate homes owned and occupied by low-income persons
385 who could not otherwise afford to finance the rehabilitation or repair of their homes within the
386 boundaries of the Eighteenth Planning District established pursuant to § 15.1-1403.

387 49. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
388 consumption, or further distribution, by an organization exempt from taxation under § 501 (c) (3) of the
389 Internal Revenue Code and which is organized and operated exclusively for the purposes of (i) preparing
390 students for agricultural careers in marketing, processing, communications, education, horticulture,
391 production, natural resources, forestry and agribusiness, including plant and animal sciences, (ii)
392 applying such knowledge and skills in a supervised setting either at home or a part-time workplace, and
393 (iii) providing opportunities to students on the national, state, and local levels to improve their
394 leadership abilities and test their agricultural skills.

395 50. From July 1, 1995, through June 30, 1998, tangible personal property and services purchased for
396 an annual fundraising reception by a nonprofit organization exempt from taxation under § 501 (c) (3) of
397 the Internal Revenue Code and organized to provide funds for the benefit of various charities, including
398 but not limited to the Cystic Fibrosis Foundation, The Ronald McDonald House, The Leukemia Society,
399 the Don Shula Foundation, Inc., and Children's National Medical Center's National SAFE KIDS
400 Campaign.

401 51. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
402 consumption by a nonprofit charitable organization which is exempt from taxation under § 501 (c) (3) of
403 the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing
404 assistance to individuals suffering from multiple sclerosis in the Commonwealth and to the families of
405 such individuals, and for research relating to the prevention and treatment of multiple sclerosis.

406 52. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
407 consumption by a nonprofit organization exempt from taxation pursuant to § 501 (c) (3) of the Internal
408 Revenue Code and located in a city having a population of no less than 66,000 and no greater than
409 67,000 which is organized exclusively to provide no more than one meal per day to the needy or
410 underprivileged, provided such meals are distributed without cost.

411 53. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
412 consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code
413 and organized exclusively to advocate, plan, and develop programs and services within the boundaries of
414 the Third Planning District established pursuant to § 15.1-1403 that help persons with disabilities reach
415 their maximum level of personal independence by educating the public, promoting the needs and rights
416 of persons with disabilities, and helping such persons attain their potential for independent living.

417 54. From July 1, 1995, through June 30, 1998, food and other tangible personal property purchased
418 in connection with program activities by an organization exempt from taxation under § 501 (c) (3) of the
419 Internal Revenue Code and organized exclusively for the purpose of operating and maintaining a
420 summer recreational camp and related facilities for use by mentally handicapped citizens of the
421 Commonwealth within the boundaries of the Eleventh Planning District established pursuant to
422 § 15.1-1403.

423 55. Effective retroactive to January 1, 1995, through June 30, 1998, tangible personal property
424 purchased for use or consumption by, or sold by, a nonprofit charitable organization exempt from
425 taxation under § 501 (c) (3) of the Internal Revenue Code and organized and operated primarily to
426 restore, cultivate, and enhance wilderness lands and wildlife habitat, including water resources, within
427 Virginia and to educate and foster good relations between all citizens of the Commonwealth regarding
428 the restoration of damaged lands.

429 56. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
430 consumption by an organization which is exempt from taxation under § 501 (c) (3) of the Internal
431 Revenue Code and which is organized exclusively for the purpose of providing counseling, education,
432 and supportive services on a community-wide basis to help solve family and personal problems within
433 the boundaries of the Eleventh Planning District established pursuant to § 15.1-1403.

434 57. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
435 consumption by a nonprofit charitable organization exempt from taxation under § 501 (c) (3) of the
436 Internal Revenue Code and organized and operated primarily to offer to those in need, the following: to
437 construct, develop, acquire, renovate, manage, maintain and operate low-income housing for persons of
438 limited financial means, qualified housing for mentally and physically disabled persons, and qualified
439 housing for elderly persons within the boundaries of the Eighth Planning District established pursuant to
440 § 15.1-1403, all as provided under the Internal Revenue Code and interpretations thereof.

441 58. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
442 consumption by a nonprofit, nonstock corporation which is exempt from taxation under § 501 (c) (3) of
443 the Internal Revenue Code and which is organized under the laws of the Commonwealth primarily for
444 the purpose of providing rehabilitation services, training, employment, referral services, and opportunities
445 for personal growth to disabled and disadvantaged individuals within the boundaries of the Twenty-third
446 Planning District established pursuant to § 15.1-1403, and providing to communities in such area
447 consultation services as to the rights of the disabled and disadvantaged.

448 59. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
449 consumption by a corporation organized under the laws of the Commonwealth which is exempt from
450 taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized exclusively for the
451 purpose of providing low-income and moderate-income working families within the boundaries of the
452 Twenty-third Planning District established pursuant to § 15.1-1403 with quality care for children through
453 the sponsorship of (i) training, technical assistance, mentoring, and support services to the early
454 childhood community; (ii) state-licensed, nationally accredited model early childhood centers; (iii) a U.S.
455 Department of Agriculture Child Care and Adult Food Program for meals served to children by area
456 home-based providers; and (iv) child-care referral programs.

457 60. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
458 consumption by a nonprofit, volunteer-staffed organization exempt from taxation under § 501 (c) (3) of
459 the Internal Revenue Code and organized for the exclusive purpose of supporting community action
460 activities, including housing and fuel assistance, job counseling, youth service opportunities, and other
461 community-oriented charitable activities within the boundaries of the Eighth Planning District established
462 pursuant to § 15.1-1403.

463 61. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
464 consumption by an organization which is exempt from taxation under § 501 (c) (3) of the Internal
465 Revenue Code and which is organized exclusively for the purpose of providing counseling for
466 individuals and families within the boundaries of the Twenty-first Planning District established pursuant
467 to § 15.1-1403, including group counseling, family life education programs and workshops, consumer
468 credit counseling, and employee assistance, but excluding problems related to chronic mental illness.

469 62. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
470 consumption by a nonprofit charitable organization exempt from taxation under § 501 (c) (3) of the
471 Internal Revenue Code and organized and operated within Virginia exclusively to develop and operate
472 permanent housing and to provide supportive residential mental health services for homeless persons and
473 other adult persons with serious and persistent mental illnesses, in accordance with § 231 of the National
474 Housing Act, as amended, within the boundaries of the Eighth Planning District established pursuant to
475 § 15.1-1403.

476 63. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
477 consumption by an organization which is exempt from taxation under § 501 (c) (3) of the Internal
478 Revenue Code and which is organized for the primary purpose of distributing food, clothing, medicines
479 and other necessities of life to, and providing shelter for, needy persons in the United States and
480 throughout the world.

481 64. From July 1, 1995, through June 30, 1998, tangible personal property purchased for use or
482 consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code
483 which is organized exclusively for the care, support, and strengthening of children and families and
484 provides certain services and programs, including special education, individual and family counseling,
485 conflict mediation, prenatal counseling, adoptive placements, post-adoption services, in-home services,
486 therapeutic foster care, residential treatment, and independent living, within the boundaries of the
487 Fifteenth Planning District established pursuant to § 15.1-1403.

488 65. From July 1, 1997, through June 30, 1998, tangible personal property purchased for use or
489 consumption, or further distribution by a nonprofit organization exempt from taxation under § 501 (c)
490 (3) of the Internal Revenue Code which is organized exclusively for the purpose of reducing crime in the

Commonwealth by providing cash rewards to anonymous callers who supply information that leads law-enforcement officials to effect the arrest and indictment of criminals, the capture of wanted persons, or the recovery of illegal drugs or stolen property.

66. From July 1, 1997, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit corporation which is exempt from federal income taxation pursuant to § 501 (c) (3) of the Internal Revenue Code and is organized for the purpose of operating a summer camp for disadvantaged children ages nine through twelve without charge to the attendees or their families.

67. From July 1, 1997, through June 30, 1998, tangible personal property purchased for use or consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code which is organized to develop devotional and study materials of a religious nature, to help establish Bible study classes and to train leaders for and coordinate the operation of such classes.

68. From July 1, 1997, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit organization which is exempt from federal income taxation pursuant to § 501 (c) (3) of the Internal Revenue Code, and is organized for the purpose of helping girls of all backgrounds to grow and work together in a climate of freedom and harmony; to find their own identity, develop their potential, and achieve a sense of responsibility to family, community, country, and world; and to live and develop creatively in a democratic society in a continuously changing world, through year-round daily programming for school age girls.

69. From July 1, 1997, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit corporation which is exempt from federal income taxation pursuant to § 501 (c) (3) of the Internal Revenue Code, and is organized for the purpose of providing people with disabilities the assistance and support necessary to enable them to live valued lives in the community by providing twenty-four-hour living assistance directly to Virginia citizens through residential arrangements, training and supervision.

70. From July 1, 1997, through June 30, 1998, tangible personal property purchased for use or consumption by an organization which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized for the exclusive purpose of operating a long-term residential drug and alcohol treatment program, featuring drug and family counseling, twelve-step programs, academic education and religious development, for young men ages thirteen through seventeen.

71. From July 1, 1997, through June 30, 1998, tangible personal property purchased for use or consumption by, or sold by, a nonprofit volunteer organization which is exempt from federal income taxation pursuant to § 501 (c) (3) of the Internal Revenue Code and is organized for the purpose of providing support services at no cost to Al-Anon family groups and to families and friends of alcoholics within the Commonwealth, including operating an information clearinghouse, staffing a volunteer telephone hotline, providing speakers and literature to promote public awareness of alcoholism, and coordinating Al-Anon public service activities for the general public, schools, hospitals, churches, professional community, and industry.

72. From July 1, 1997, through June 30, 1998, tangible personal property purchased for use or consumption by a nonprofit corporation organized under the laws of the Commonwealth which is exempt from federal income taxation pursuant to § 501 (c) (3) of the Internal Revenue Code and is operated exclusively for the purpose of providing food, furniture, rent assistance, transportation, and day-care services to low-income families and located within any county operating under the urban county executive from of government.

§ 58.1-609.9. Nonprofit cultural organization exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Historical documents, maps, rare books and manuscripts acquired for use or consumption by a nonprofit state historical society, exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, which has a research library, a museum, and an educational department, all open to the public.

2. Tangible personal property purchased for use or consumption by (i) a nonprofit museum of fine arts which is located on property owned by a city in Virginia and which receives more than one-half its operating budget from appropriations by the city or (ii) a nonprofit regional science-technology museum.

3. Tangible personal property purchased for the use or consumption of a nonstock corporation, exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, whose principal activity is conducted on real property owned by any city in the Commonwealth, organized exclusively for the purpose of operating, managing, promoting and improving a public park and museum for recreational and educational purposes.

4. Tangible personal property purchased for charitable or educational purposes by an organization exempt under § 501 (c) (3) of the Internal Revenue Code and organized exclusively (i) to care for the spiritual needs of American Indians, (ii) to communicate to the non-Indian the values, customs, philosophy and special needs of the American Indian, (iii) to meet the urgent needs of American Indians

552 through nationwide charitable distribution programs, and (iv) to encourage awareness of American
553 Indian arts, crafts and customs provided such property is distributed by the organization through its
554 nationwide charitable distribution program.

555 5. From July 1, 1989, through June 30, 1999, tangible personal property purchased for use or
556 consumption by a nonprofit foundation exempt from taxation under § 501 (c) (3) of the Internal
557 Revenue Code and organized for the purpose of promoting a permanent memorial to a former Chief
558 Justice of the Supreme Court of the United States.

559 6. From July 1, 1989, through June 30, 1999, tangible personal property purchased for use or
560 consumption by a nonprofit museum exempt from taxation under § 501 (c) (3) of the Internal Revenue
561 Code and operating for the purpose of commemorating and preserving in a central repository the culture
562 and history of black people in Virginia through a collection of memoirs, artifacts, displays, exhibits and
563 other related historical data.

564 7. From July 1, 1989, through June 30, 1999, tangible personal property purchased for use or
565 consumption by a nonstock, nonprofit organization which (i) is exempt from taxation under § 501 (c) (3)
566 of the Internal Revenue Code, (ii) operates exclusively for educational and charitable purposes to
567 promote the study, performance and public awareness of music by presenting performances of live music
568 to youths and family groups, (iii) receives funding annually from at least three local governments in
569 Virginia and from the Virginia Commission for the Arts, and (iv) charges no fees for children to attend
570 the musical performances.

571 8. From July 1, 1989, through June 30, 1999, tangible personal property purchased for use or
572 consumption by a nonprofit cultural organization, exempt from taxation under § 501 (c) (3) of the
573 Internal Revenue Code, which educates children about the arts, humanities and nature on a regular basis
574 through museum exhibits, classes and performances.

575 9. From July 1, 1989, through June 30, 1999, tangible personal property purchased for use or
576 consumption by a national and international, nonprofit, scientific, and educational organization, exempt
577 from taxation under § 501 (c) (3) of the Internal Revenue Code, whose resources are devoted to
578 preserving ecologically significant areas in order to safeguard rare or endangered species or critical
579 natural habitats.

580 10. Tangible personal property purchased for use or consumption by a nonstock, nonprofit
581 organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized
582 exclusively to provide a public park and botanical garden for the entertainment and recreation of the
583 citizens of the Commonwealth and to promote the advancement of botanical science through research
584 and education of science students.

585 11. a. From July 1, 1990, through June 30, 1999, tangible personal property purchased for use or
586 consumption by a nonprofit organization which is exempt from taxation pursuant to § 501 (c) (3) of the
587 Internal Revenue Code and which coordinates and promotes art in the Roanoke Valley.

588 b. From July 1, 1995, through June 30, 1999, tangible personal property purchased for use or
589 consumption by a nonprofit organization which is exempt from taxation pursuant to § 501 (c) (3) of the
590 Internal Revenue Code and which coordinates and promotes art in the Shenandoah Valley.

591 12. From July 1, 1995, through June 30, 1999, tangible personal property purchased for use or
592 consumption by a nonprofit corporation which is exempt from taxation under § 501 (c) (3) of the
593 Internal Revenue Code and which is organized under the laws of the Commonwealth primarily for the
594 purposes of (i) promoting the best interests and welfare of the Jewish community; (ii) enriching and
595 furthering an appreciation of the spiritual, cultural, and ethical heritages and values of Judaism as they
596 apply to the Jewish way of life in America; and (iii) promoting fellowship, harmony, and rapport among
597 Americans of the Jewish faith and among all citizens of the community at large.

598 13. From July 1, 1995, through June 30, 1999, tangible personal property purchased for use or
599 consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code
600 and organized exclusively to commemorate the adoption of Virginia's Statute for Religious Freedom.

601 14. From July 1, 1995, through June 30, 1999, tangible personal property purchased for use or
602 consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal
603 Revenue Code and organized exclusively to produce contemporary American and English theatre by
604 professional artists from throughout the country for the education and entertainment of Virginians.

605 15. From July 1, 1995, through June 30, 1999, tangible personal property purchased for use or
606 consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal
607 Revenue Code and organized to collect, preserve and disseminate information concerning genealogical
608 and historical data; to advance the practice of thorough and ethical research; to foster careful
609 documentation and scholarly writing; and to issue publications relating to the field of genealogy.

610 16. From July 1, 1995, through June 30, 1999, tangible personal property purchased for use or
611 consumption by a nonprofit community theatre organization exempt from taxation under § 501 (c) (3) of
612 the Internal Revenue Code and organized exclusively to present a summer musical production within the
613 boundaries of the Fourth Planning District Commission established pursuant to § 15.1-1403 for the

education and entertainment of Virginians.

17. From July 1, 1995, through June 30, 1999, tangible personal property purchased for use or consumption by a nonstock, nonprofit charitable corporation exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue Code and from local property taxes and organized and operated to hold, manage, preserve, and exhibit a Virginia estate and home of the first President of the United States; to operate a library, open to the public and researchers free of charge, holding books, manuscripts, documents, and graphic arts relating to the life and times of such President; and to provide educational programs for students and teachers.

18. *From July 1, 1997, through June 30, 1999, tangible personal property purchased for use or consumption by, or sold by, a nonprofit organization exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue Code and organized exclusively to foster, promote and increase the musical knowledge, appreciation, experience and performing ability of young people and of the general public, by establishing, maintaining and operating one or more youth symphony orchestras in the Commonwealth..*

19. *From July 1, 1997, through June 30, 1999, tangible personal property purchased for use or consumption by a nonprofit foundation exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized to encourage interest in the fine and performing arts by providing an opportunity for the general public to observe works of classical and contemporary artists and to provide instruction and training for individuals in, and facilities for experimentation and development of, the composition and presentation of the fine and the performing arts.*

20. *From July 1, 1997, through June 30, 1999, tangible personal property purchased for use or consumption by a nonstock, nonprofit performing arts organization exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue Code which (i) provides professional theatrical productions at a reasonable cost to audiences in the Commonwealth, (ii) receives financial support from the Commonwealth, (iii) leases facilities from the Virginia Museum of Fine Arts, and (iv) is dedicated to engendering an appreciation for theatre in the Commonwealth.*

§ 58.1-609.10. Miscellaneous exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Artificial or propane gas, firewood, coal or home heating oil used for domestic consumption. "Domestic consumption" means the use of artificial or propane gas, firewood, coal or home heating oil by an individual purchaser for other than business, commercial or industrial purposes. The Tax Commissioner shall establish by regulation a system for use by dealers in classifying individual purchases for domestic or nondomestic use based on the principal usage of such gas, wood, coal or oil. Any person making a nondomestic purchase and paying the tax pursuant to this chapter who uses any portion of such purchase for domestic use may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for a refund of the tax paid on the domestic use portion.

2. An occasional sale, as defined in § 58.1-602.

3. Tangible personal property for future use by a person for taxable lease or rental as an established business or part of an established business, or incidental or germane to such business, including a simultaneous purchase and taxable leaseback.

4. Delivery of tangible personal property outside the Commonwealth for use or consumption outside of the Commonwealth. Delivery of goods destined for foreign export to a factor or export agent shall be deemed to be delivery of goods for use or consumption outside of the Commonwealth.

5. Sales of tangible personal property to a nonsectarian youth organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and sponsoring a national or international camping assembly within this Commonwealth for seven continuous days or more with attendance in excess of 20,000, which sale of tangible personal property is for use or consumption at such camping assembly.

6. Tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.

7. From July 1, 1995, through June 30, 1999, tangible personal property purchased for use or consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized exclusively to promote efficiency and fairness in the offer and sale of securities for the benefit of investors, securities issuers, and the general public, by providing for electronic communication, filing, processing, dissemination and review of securities registration materials, and by serving as a database for securities law information filed with regulators having primary and immediate authority to administer the regulation of the commerce of securities.

8. From July 1, 1995, through June 30, 1999, tangible personal property purchased for use in the construction of improvements which are to be used solely for affordable rental dwelling units for

persons who are of the age of at least 62 years, if at least part of the funds for site development and the construction are provided by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and if the amount of funds which would otherwise have to be provided by the tax exempt organization is reduced by the amount of the sales and use tax exemption. The rental units shall be considered to be affordable if the rent charged meets the criteria of the Federal Low Income Housing Tax Credit Program.

9. From July 1, 1995, through June 30, 1999, tangible personal property donated or sold for distribution to individuals in the United States who have been victims of a natural disaster which has been declared a disaster for federal aid purposes by the President of the United States.

10. From July 1, 1995, through June 30, 1999, copies of medical records purchased by an attorney or his law firm for use in case preparations.

11. *From July 1, 1997, through June 30, 1999, tangible personal property purchased for use or consumption by a nonstock, nonprofit corporation organized under the laws of the State of Delaware which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and was formed for the purposes of (i) promoting the development of the private sector of the nation of Romania and (ii) carrying out all other purposes and policies of, and complying with, the relevant sections of the Support For East European Democracy Act of 1989 (P.L. 102-511, 22 U.S.C. § 5401 et seq.).*