

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 58.1-609.2 of the Code of Virginia, relating to agricultural exemptions*
3 *from the retail sales and use tax.*

4
5 Approved

[S 864]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 58.1-609.2 of the Code of Virginia is amended and reenacted as follows:**

8 § 58.1-609.2. Agricultural exemptions.

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

11 1. Commercial feeds; seeds; plants; fertilizers; liming materials; breeding and other livestock; semen;
12 breeding fees; baby chicks; turkey poults; rabbits; quail; llamas; bees; agricultural chemicals; fuel for
13 drying or curing crops; baler twine; containers for fruit and vegetables; farm machinery; tangible
14 personal property, except for structural construction materials to be affixed to real property owned or
15 leased by a farmer, necessary for use in agricultural production for market and sold to or purchased by a
16 farmer or contractor; and agricultural supplies provided the same are sold to and purchased by farmers
17 for use in agricultural production, which also includes beekeeping and fish, quail, rabbit and worm
18 farming for market.

19 2. Every agricultural commodity or kind of seafood sold or distributed by any person to any other
20 person who purchases not for direct consumption but for the purpose of acquiring raw products for use
21 or consumption in the process of preparing, finishing, or manufacturing such agricultural or seafood
22 commodity for the ultimate retail consumer trade, except when such agricultural or seafood commodity
23 is actually sold or distributed as a marketable or finished product to the ultimate consumer. "Agricultural
24 commodity," for the purposes of this subdivision, means horticultural, poultry, and farm products,
25 livestock and livestock products, and products derived from bees and beekeeping.

26 3. Livestock and livestock products, poultry and poultry products, and farm and agricultural products,
27 when produced by the farmer and used or consumed by him and the members of his family.

28 4. Machinery, tools, equipment, materials or repair parts therefor or replacement thereof; fuel or
29 supplies; and fishing boats, marine engines installed thereon or outboard motors used thereon, and all
30 replacement or repair parts in connection therewith; provided the same are sold to and purchased by
31 watermen for use by them in extracting fish, bivalves or crustaceans from waters for commercial
32 purposes.

33 5. Machinery or tools or repair parts therefor or replacements thereof, fuel, power, energy or
34 supplies, and cereal grains and other feed ingredients, including, but not limited to, drugs, vitamins,
35 minerals, nonprotein nitrogen, and other supplements or additives, used directly in making feed for sale
36 or resale. Making of feed shall include the mixing of liquid ingredients.

37 6. Machinery or tools and repair parts therefor or replacements thereof, fuel, power, energy or
38 supplies, used directly in the harvesting of forest products for sale or for use as a component part of a
39 product to be sold. *Harvesting of forest products shall include all operations prior to the transport of*
40 *the harvested product necessary for (i) removing timber or other forest products from the harvesting*
41 *site, (ii) complying with environmental protection and safety requirements applicable to the harvesting of*
42 *forest products, (iii) obtaining access to the harvesting site, and (iv) loading cut timber or other forest*
43 *products onto highway vehicles for transportation to storage or processing facilities.*

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