

SENATE BILL 716

Q7

7lr2861

By: **Senators Eckardt, Bates, Cassilly, Edwards, Hershey, Hough, Jennings, Klausmeier, Salling, Serafini, Simonaire, and Waugh**

Introduced and read first time: February 3, 2017

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Admissions and Amusement Tax – Exemption – Agricultural Tourism and**
3 **Promotion of Agricultural Products**

4 FOR the purpose of providing that the admissions and amusement tax may not be imposed
5 by a county on gross receipts derived from any admissions and amusement charge
6 for any activities related to agricultural tourism or the promotion of certain
7 agricultural products under certain circumstances; defining a certain term; and
8 generally relating to exemptions from the admissions and amusement tax.

9 BY repealing and reenacting, with amendments,
10 Article – Tax – General
11 Section 4–101 and 4–103(a)
12 Annotated Code of Maryland
13 (2016 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Tax – General**

17 4–101.

18 (a) In this title the following words have the meanings indicated.

19 (b) (1) “Admissions and amusement charge”, unless expressly provided
20 otherwise, means a charge for:

21 (i) admission to a place, including any additional separate charge
22 for admission within an enclosure;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(ii) use of a game of entertainment;

(iii) use of a recreational or sports facility;

(iv) use or rental of recreational or sports equipment; and

(v) merchandise, refreshments, or a service sold or served in connection with entertainment at a nightclub or room in a hotel, restaurant, hall, or other place where dancing privileges, music, or other entertainment is provided.

(2) “Admissions and amusement charge” does not include a charge for admission to a political fundraising event.

(c) **“AGRICULTURAL TOURISM” MEANS ANY AGRICULTURAL OR HORTICULTURAL ACTIVITY CONDUCTED FOR THE PURPOSE OF ENTERTAINMENT OR EDUCATION.**

(D) “Game of entertainment” includes, in Anne Arundel County or Calvert County, the game of instant bingo permitted under a commercial bingo license.

~~[(d)]~~ (E) “Person” includes:

(1) this State or a political subdivision, unit, or instrumentality of this State;

(2) another state or a political subdivision, unit, or instrumentality of that state; and

(3) a unit or instrumentality of a political subdivision of this State or of another state.

~~[(e)]~~ (F) “Stadium Authority” means the Maryland Stadium Authority created under § 10–604 of the Economic Development Article.

4–103.

(a) The admissions and amusement tax may not be imposed by:

(1) a county on:

(I) gross receipts derived from any source within a municipal corporation located in that county, if the municipal corporation imposes an admissions and amusement tax on any gross receipts or specifically exempts any gross receipts from the admissions and amusement tax; **OR**

**(II) GROSS RECEIPTS DERIVED FROM ANY ADMISSIONS AND
AMUSEMENT CHARGE FOR ANY ACTIVITIES RELATED TO:**

1. AGRICULTURAL TOURISM; OR

**2. THE PROMOTION OF VALUE-ADDED AGRICULTURAL
PRODUCTS ON A FARM OR BY AN ORGANIZATION THAT IS EXEMPT FROM TAXATION
UNDER § 501(C) OF THE INTERNAL REVENUE CODE;**

(2) Baltimore County on gross receipts[:

(i)] of a not for profit community association that is organized and
operated to promote the general welfare of the community that the association serves and
the net earnings of which do not inure to the benefit of any stockholder or member of the
association; [or

(ii) derived from any admissions and amusement charge for any
activities related to agricultural tourism;]

(3) Calvert County on gross receipts that are subject to the sales and use
tax;

(4) Washington County on gross receipts from an amusement device that
is subject to the license and permit requirements of Title 17, Subtitle 4, Part V of the
Business Regulation Article;

(5) Montgomery County on gross receipts derived within an area
designated as an enterprise zone under Title 5, Subtitle 7 of the Economic Development
Article from a charge for:

(i) admission to a nightclub or room in a hotel, restaurant, hall, or
other place where dancing privileges, music, or other entertainment is provided; or

(ii) merchandise, refreshment, or a service sold or served in
connection with entertainment at a nightclub or room in a hotel, restaurant, hall, or other
place where dancing privileges, music, or other entertainment is provided; and

(6) Harford County on gross receipts derived from:

(i) any admissions and amusement charge for golf entertainment;

(ii) any admissions and amusement charge in connection with a
business that provides drive-in movie entertainment; **OR**

(iii) [any admissions and amusement charge for any activities related
to agricultural tourism; or

1 (iv)] any admissions and amusement charge by a roller skating rink.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
3 1, 2017.