

Puerto Rico Treasury Announces Back to School Tax Free Holidays for Fiscal Year 2016-2017

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PRACTICE AREAS

- Retail
- Sales & Use Tax

An McV Tax Alert

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Pursuant to Section 4030.20(a) of the Puerto Rico Internal Revenue Code of 2011 (“Code”), on June 2, 2016, the Puerto Rico Department of the Treasury published Circular Letter of Tax Policy No. 16-04 (“CL 16-04”) to: (1) establish the sales-tax-free holidays for uniforms and school supplies for Fiscal Year 2016-2017; and (2) set forth the list of items that will be exempt from payment of the sales and use tax (“SUT”) during said holidays.

The sales-tax-free holidays for uniforms and school supplies for Fiscal Year 2016-2017 will run: (1) from 12:01a.m. on July 15, 2016 until midnight on July 16, 2016; and (2) from 12:01a.m. on January 4, 2017 until midnight on January 5, 2017.

The items that will be exempt from the SUT will be “school uniforms” and “school supplies,” as follows:

School Uniforms

Section 4030.20(c)(1) of the Code provides that a “school uniform” is clothing that is specifically required by an educational institution to be worn by students, and that may not have a general or continuous use outside of school or substitute ordinary clothing. A school uniform also includes items of clothing or shoes that complement one or more parts of the uniform, as specifically required by the educational institution.

School uniform does not include:

- Belt buckles sold separately
- Costume masks sold separately
- Patches or emblems sold separately, except if they are part of the school uniform
- Sewing equipment and accessories, including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles.

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- Sewing materials that may become part of clothing, including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers
- Accessories or clothing items that constitute incidental articles worn over the body or in conjunction with clothing. For example, briefcases; cosmetics; accessories for hair such as ribbons, nets, or hair barrettes; hand bags; handkerchiefs; jewelry; non-prescription sunglasses; umbrellas; billfolds; wristwatches; wigs; and hairpieces
- Protective equipment for use by people against injury or disease, or as protection for other people or property against injury or disease, but not adequate for general use. For example, protective respiration masks; sterile room equipment and garments; hearing protection items; masks; protective helmets; hardhats; paint or dust masks; safety gloves or protectors; protective glasses or goggles; safety belts; tool belts; and soldering masks, gloves or protective head gear
- Sports and recreational gear designed for human use and used together with, or as part of a creative or sports activity, when not adequate for general use. For example: ballet shoes and tap shoes; spikes; gloves, including baseball, bowling, boxing, hockey, and golf; goggles; knee and elbow protectors; life jackets and vests; protective mouthpieces; ice and roller skates; shin pads; shoulder pads; skiing boots; waterproof boots; wetsuits; and fins

School Supplies

Section 4030.20(c)(2) of the Code provides that “school supplies” include school supplies, art school supplies, music school supplies, teaching supplies purchased at the retail level, and computer storage media, such as disks, compact disks and flash drives.

- School supplies are articles commonly used by a student in a course of study, consisting only of:
 - Binders
 - School bags
 - Calculators
 - Tape

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- Chalk
- Compasses
- Crayons
- Erasers
- Storage binders, accordion pockets, plastic pockets, manila envelopes
- Paste and glue
- Markers and highlighters
- Index cards
- Boxes for storing index cards
- Lunchboxes
- Loose leaf paper, ruled paper for ring binders, copy paper, graph paper, poster board, and construction paper
- Pencil cases and other school materials cases
- Pencil sharpeners
- Pencils
- Pens
- Protractors
- Rulers
- Scissors
- Art and music school supplies and teaching supplies are articles usually used by a student in an art or music course, or as a reference source, consisting only of:
 - Clay and lacquer
 - Paint, including acrylic, tempera, and oil paints
 - Art brushes
 - Drawing and sketching notebooks
 - Water colors
 - Musical instruments
 - Reference maps and world globes

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Printed Books

As a result of an amendment to Section 4030.20 of the Code, effective September 30, 2015, “printed books” are exempt from payment of the SUT. Prior to September 30, 2015, the SUT exemption was limited to textbooks listed in official school or university textbook lists. “Printed books” is defined as any non-periodical, unitary printed publication that is edited once or on intervals, in one or more volumes, of scientific, cultural or artistic nature, excluding electronic publications, magazines and newspapers.

The SUT exemption on printed books is not limited to the sales-tax-free holiday period, and is in effect all year long.

CL 16-04 also provides guidance on the applicability of the SUT exemption during the sales-tax-free holidays to purchases of school uniforms, school supplies, and printed books under lay away plans; through the use of gift cards or certificates; by mail order, phone, e-mail, or internet; or by using rain checks.

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