

SENATE BILL NO. 367—COMMITTEE ON  
REVENUE AND ECONOMIC DEVELOPMENT

MARCH 25, 2021

Referred to Committee on Revenue and  
Economic Development

SUMMARY—Revises provisions governing the excise tax on live entertainment. (BDR 32-571)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to taxation; revising provisions governing the excise tax on live entertainment; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides for the imposition of an excise tax on admission to  
2 certain facilities where live entertainment is provided. (Chapter 368A of NRS)  
3 **Section 1.7** of this bill exempts from this tax live entertainment provided by or  
4 entirely for the benefit of a governmental entity. **Section 1** of this bill defines the  
5 term “governmental entity” for the purposes of this exemption, and **section 1.3** of  
6 this bill makes a conforming change to indicate the placement of **section 1** in the  
7 Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 368A of NRS is hereby amended by  
2 adding thereto a new section to read as follows:

3 ***“Governmental entity” means:***

4 ***1. The United States and any of its unincorporated agencies***  
5 ***and instrumentalities;***

6 ***2. Any incorporated agency or instrumentality of the United***  
7 ***States wholly owned by the United States or by a corporation***  
8 ***wholly owned by the United States;***



1 **3. The State of Nevada and any of its unincorporated**  
2 **agencies and instrumentalities; or**

3 **4. Any county, city, district or other political subdivision of**  
4 **this State.**

5 **Sec. 1.3.** NRS 368A.010 is hereby amended to read as  
6 follows:

7 368A.010 As used in this chapter, unless the context otherwise  
8 requires, the words and terms defined in NRS 368A.020 to  
9 368A.115, inclusive, **and section 1 of this act** have the meanings  
10 ascribed to them in those sections.

11 **Sec. 1.7.** NRS 368A.200 is hereby amended to read as  
12 follows:

13 368A.200 1. Except as otherwise provided in this section,  
14 there is hereby imposed an excise tax on admission to any facility in  
15 this State where live entertainment is provided and on the charge for  
16 live entertainment provided by an escort at one or more locations in  
17 this State. The rate of the tax is:

18 (a) Except as otherwise provided in paragraph (b), for admission  
19 to a facility in this State where live entertainment is provided, 9  
20 percent of the admission charge to the facility.

21 (b) For live entertainment provided by an escort who is  
22 escorting one or more persons at a location or locations in this State,  
23 9 percent of the total amount, expressed in terms of money, of  
24 consideration paid for the live entertainment provided by the escort.

25 2. Amounts paid for:

26 (a) Admission charges collected and retained by a nonprofit  
27 religious, charitable, fraternal or other organization that qualifies as  
28 a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or by a  
29 nonprofit corporation organized or existing under the provisions of  
30 chapter 82 of NRS, are not taxable pursuant to this section, only if  
31 the number of tickets to the live entertainment which are offered for  
32 sale or other distribution to patrons, either directly or indirectly  
33 through a partner, subsidiary, client, affiliate or other collaborator, is  
34 less than 7,500.

35 (b) Gratuities directly or indirectly remitted to persons employed  
36 at a facility where live entertainment is provided are not taxable  
37 pursuant to this section.

38 (c) Fees imposed, collected and retained by an independent  
39 financial institution in connection with the use of credit cards or  
40 debit cards to pay the admission charge to a facility where live  
41 entertainment is provided are not taxable pursuant to this section. As  
42 used in this paragraph, "independent financial institution" means a  
43 financial institution that is not the taxpayer or an owner or operator  
44 of the facility where the live entertainment is provided or an affiliate  
45 of any of those persons.



1 3. The tax imposed by this section must be added to and  
2 collected from the purchaser at the time of purchase, whether or not  
3 the admission for live entertainment is purchased for resale. Each  
4 ticket for admission to a facility where live entertainment is  
5 provided must show on its face the admission charge or the seller of  
6 the admission shall prominently display a notice disclosing the  
7 admission charge at the box office or other place where the charge is  
8 made.

9 4. The tax imposed by subsection 1 does not apply to:

10 (a) Live entertainment that this State is prohibited from taxing  
11 under the Constitution, laws or treaties of the United States or the  
12 Nevada Constitution.

13 (b) Live entertainment that is governed by the Nevada  
14 Interscholastic Activities Association pursuant to chapter 385B of  
15 NRS or is provided or sponsored by an elementary school, junior  
16 high school, middle school or high school, if only pupils or faculty  
17 provide the live entertainment.

18 (c) An athletic contest, event, tournament or exhibition provided  
19 by an institution of the Nevada System of Higher Education, if  
20 students of such an institution are contestants in the contest, event,  
21 tournament or exhibition.

22 (d) Live entertainment that is provided by or entirely for the  
23 benefit of a nonprofit religious, charitable, fraternal or other  
24 organization that qualifies as a tax-exempt organization pursuant to  
25 26 U.S.C. § 501(c), or a nonprofit corporation organized or existing  
26 under the provisions of chapter 82 of NRS, only if the number of  
27 tickets to the live entertainment which are offered for sale or other  
28 distribution to patrons, either directly or indirectly through a partner,  
29 subsidiary, client, affiliate or other collaborator, is less than 7,500.

30 (e) Any boxing contest or exhibition governed by the provisions  
31 of chapter 467 of NRS.

32 (f) Live entertainment that is not provided at a licensed gaming  
33 establishment if the facility in which the live entertainment is  
34 provided has a maximum occupancy of less than 200 persons.

35 (g) Live entertainment that is provided at a licensed gaming  
36 establishment that is licensed for less than 51 slot machines, less  
37 than 6 games, or any combination of slot machines and games  
38 within those respective limits, if the facility in which the live  
39 entertainment is provided has a maximum occupancy of less than  
40 200 persons.

41 (h) Live entertainment that is provided at a trade show.

42 (i) Music performed by musicians who move constantly through  
43 the audience if no other form of live entertainment is afforded to the  
44 patrons.



1 (j) Live entertainment that is provided at a licensed gaming  
2 establishment at private meetings or dinners attended by members of  
3 a particular organization or by a casual assemblage if the purpose of  
4 the event is not primarily for entertainment.

5 (k) Live entertainment that is provided in the common area of a  
6 shopping mall, unless the entertainment is provided in a facility  
7 located within the mall.

8 (l) Food and product demonstrations provided at a shopping  
9 mall, a craft show or an establishment that sells grocery products,  
10 housewares, hardware or other supplies for the home.

11 (m) Live entertainment that is incidental to an amusement ride, a  
12 motion simulator or a similar digital, electronic, mechanical or  
13 electromechanical attraction. For the purposes of this paragraph, live  
14 entertainment shall be deemed to be incidental to an amusement  
15 ride, a motion simulator or a similar digital, electronic, mechanical  
16 or electromechanical attraction if the live entertainment is:

17 (1) Not the predominant element of the attraction; and

18 (2) Not the primary purpose for which the public rides,  
19 attends or otherwise participates in the attraction.

20 (n) A race scheduled at a race track in this State and sanctioned  
21 by the National Association for Stock Car Auto Racing, if two or  
22 more such races are held at that race track during the same calendar  
23 year.

24 (o) An athletic contest, event or exhibition conducted by a  
25 professional team based in this State if the professional team based  
26 in this State is a participant in the contest, event or exhibition.

27 ***(p) Live entertainment that is provided by or entirely for the***  
28 ***benefit of a governmental entity.***

29 5. As used in this section:

30 (a) "Affiliate" has the meaning ascribed to it in NRS 463.0133.

31 (b) "Maximum occupancy" means, in the following order of  
32 priority:

33 (1) The maximum occupancy of the facility in which live  
34 entertainment is provided, as determined by the State Fire Marshal  
35 or the local governmental agency that has the authority to determine  
36 the maximum occupancy of the facility;

37 (2) If such a maximum occupancy has not been determined,  
38 the maximum occupancy of the facility designated in any permit  
39 required to be obtained in order to provide the live entertainment; or

40 (3) If such a permit does not designate the maximum  
41 occupancy of the facility, the actual seating capacity of the facility  
42 in which the live entertainment is provided.

43 (c) "Operator" includes, without limitation, a person who  
44 operates a facility where live entertainment is provided or who  
45 presents, produces or otherwise provides live entertainment.



1     **Sec. 2.** Notwithstanding the provisions of NRS 218D.430 and  
2 218D.435, a committee, other than the Assembly Standing  
3 Committee on Ways and Means and the Senate Standing Committee  
4 on Finance, may vote on this act before the expiration of the period  
5 prescribed for the return of a fiscal note in NRS 218D.475. This  
6 section applies retroactively from and after March 22, 2021.  
7     **Sec. 3.** This act becomes effective upon passage and approval.

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