**Private Letter Ruling**

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| **Ruling Number:** | **P-2001-130** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Weight management clinic for children and adults; fees and dues.** |
| **Keywords:** |  |
| **Approval Date:** | **12/03/2001** |

**Body:**

Office of Policy & Research

December 3, 2001

XXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX

Dear XXXXXXXXXXXXX:

The purpose of this letter is to respond to your letter dated November 13, 2001.

In your letter you stated:

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

The pediatric population and their parents enroll in an intensive 10-week program that teaches nutrition, exercise, and behavior changes with nine and one-half months devoted to follow up care by me and my staff. The clinic has a fitness center where clients workout as a part of their weight management program. An additional part of their program provides an option to purchase a membership to support their weight loss.

Our four-tiered medically managed adult program requires patients to purchase food supplements for their weight management.

We offer classes that I teach along with one of our trainers for new mothers regarding information on infants, diet and exercise.

Another specialized offer is an individualized 5-session class, nutrition and exercise are always used as baseline classes and the three remaining classes utilize this information to customize both the teaching and support given for an individual's personal lifestyle.

K.A.R 92-19-73 provides:

**Membership fees and dues.** (a) Each public or private club, organization or business charging dues to members for the use of the facilities for recreation and entertainment shall collect sales tax on the gross receipts received from the dues.
(b) “Dues” means any charge which is a debt owed to the club, organization or business by an existing member or prospective member in order for the member or prospective member to enjoy the use of the facilities of the club, organization or business for recreation or entertainment, and shall include periodic or one time special assessments, initiation or entry fees.
(c) “Recreation and entertainment'” means any activity which provides a diversion, amusement, sport or refreshment to the member and specifically includes health, fitness, exercise and athletic activities.

Your letter continues with a series of questions:

Are any of the aforementioned classes taxed, if so, which ones?

Answer: Fees paid by your clients for the purpose of attending or participating in any of the classes described in this letter, are not subject to Kansas retailers’ sales tax.

Is the fitness center membership of a weight management client taxed?

Answer: Yes.

Are food products sold to weight management clients taxed?

Answer: Yes.

Are the "Mommy Classes" taxed?

Answer: No.

Is the private weight management class taxed?

Answer: No.

This private letter ruling is based solely on the facts provided in your request. If it is determined that undisclosed facts were material or necessary to make an accurate determination by the department, this ruling is null and void. This private letter ruling will be revoked in the future by operation of law without further department action if there is a change in the statutes, administrative regulations, or case law, or a published revenue ruling, that materially affects this private letter ruling.

Sincerely,

Mark D. Ciardullo
Tax Specialist

MDC

**Date Composed: 12/13/2001 Date Modified: 12/13/2001**