

*Hospice Programs  
NDCC ch. 23-17.4*

Introduced by

Representatives Schreiber-Beck, Dobervich, O'Brien, Pyle, Roers Jones, Strinden, Swiontek  
Senator Hogan

1 A BILL for an Act to create and enact a new ~~subdivision to subsection 3 of section~~  
 2 ~~57-40.2-03.3~~ section to chapter 57-39.2 of the North Dakota Century Code, relating to ~~payment~~  
 3 ~~of use tax by contractors~~ a sales and use tax exemption for materials used to construct, expand,  
 4 or upgrade a facility owned by <sup>hospice care</sup> ~~an eligible facility or emergency medical services provider;~~ to  
 5 amend and reenact ~~subsection 24 of section 57-39.2-04~~ subsection 3 of section 57-40.2-03.3 of  
 6 the North Dakota Century Code, relating to a ~~sales tax exemption for sales to an eligible facility~~  
 7 ~~when used for the benefit of the facility's patient or occupant~~ use tax exemption for materials  
 8 used to construct, expand, or upgrade a facility owned by <sup>hospice care</sup> ~~an eligible facility or emergency~~  
 9 ~~medical services provider;~~ <sup>a hospice program</sup> and to provide an effective date.

10 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

11 ~~SECTION 1. AMENDMENT.~~ ~~Subsection 24 of section 57-39.2-04 of the North Dakota~~  
 12 ~~Century Code is amended and reenacted as follows: —~~  
 13 ~~24. Gross receipts from all sales when made to an eligible facility or emergency medical~~  
 14 ~~services provider for the use or benefit of its patient or occupant. For the purposes of~~  
 15 ~~this subsection:~~  
 16 ~~a. "Eligible facility" means any hospital, skilled nursing facility, intermediate care~~  
 17 ~~facility, residential end-of-life facility, basic care facility, hospice program, or any~~  
 18 ~~assisted living facility licensed by the department of health and human services;~~  
 19 ~~and~~  
 20 ~~b. "Emergency medical services provider" means an emergency medical~~  
 21 ~~services operation licensed by the department of health and human services~~  
 22 ~~under chapter 23-27.~~  
 23 ~~SECTION 2. A new subdivision to subsection 3 of section 57-40.2-03.3 of the North Dakota~~  
 24 ~~Century Code is created and enacted as follows:~~



1 Tangible personal property purchased by a contractor on behalf of an entity  
2 qualifying for an exemption under subsection 24 of section 57-39.2-04 and  
3 subsequently installed into a facility used by the entity.

4 **SECTION 1.** A new section to chapter 57-39.2 of the North Dakota Century Code is created  
5 and enacted as follows:

6 Sales and use tax exemption for materials used to construct, expand, or upgrade a  
7 facility owned by ~~an eligible facility or emergency medical services provider.~~  
8 *hospice care* ← *a hospice program*

9 1. Gross receipts from sales of tangible personal property used to construct, expand, or  
10 upgrade a facility owned by ~~an entity that qualifies as an exempt organization under~~  
11 subsection 24 of section 57-39.2-04 are exempt from taxes under this chapter.  
12 *hospice care* ← *a hospice program as defined in section 23-17.4-01*

13 2. The exemption may be received only at the time of purchase. To receive the  
14 exemption, the entity qualifying for an exemption under this section must receive from  
15 the tax commissioner a certificate indicating the tangible personal property the entity  
16 intends to purchase to construct, expand, or upgrade the facility qualifies for the  
17 exemption under this section.

18 3. This chapter and chapter 57-40.2 apply to an exemption under this section.

19 **SECTION 2. AMENDMENT.** Subsection 3 of section 57-40.2-03.3 of the North Dakota  
20 Century Code is amended and reenacted as follows:

21 3. The tax imposed by this section does not apply to:

- 22 a. Production equipment or tangible personal property as authorized or approved  
23 for exemption by the tax commissioner under section 57-39.2-04.2;  
24 b. Machinery, equipment, or other tangible personal property used to construct an  
25 agricultural commodity processing facility as authorized or approved for  
26 exemption by the tax commissioner under section 57-39.2-04.3 or 57-39.2-04.4;  
27 c. Tangible personal property used to construct or expand a system used to  
28 compress, process, gather, or refine gas recovered from an oil or gas well in this  
29 state or used to expand or build a gas-processing facility in this state as  
authorized or approved for exemption by the tax commissioner under section  
57-39.2-04.5;



- 1 d. Tangible personal property used to construct or expand a qualifying oil refinery as
- 2 authorized or approved for exemption by the tax commissioner under section
- 3 57-39.2-04.6;
- 4 e. Tangible personal property used to construct or expand a qualifying facility as
- 5 authorized or approved for exemption by the tax commissioner under section
- 6 57-39.2-04.10;
- 7 f. Tangible personal property used to construct or expand a qualifying facility as
- 8 authorized or approved for exemption by the tax commissioner under section
- 9 57-39.2-04.11;
- 10 g. Materials used in compressing, gathering, collecting, storing, transporting, or
- 11 injecting carbon dioxide for use in enhanced recovery of oil or natural gas as
- 12 provided in section 57-39.2-04.14;
- 13 h. Tangible personal property used to construct a qualifying fertilizer or chemical
- 14 processing facility as authorized or approved for exemption by the tax
- 15 commissioner under section 57-39.2-04.15; ~~or~~
- 16 i. Tangible personal property used to construct a qualified straddle plant, a qualified
- 17 fractionator, or qualified associated infrastructure as authorized or approved for
- 18 exemption by the tax commissioner under section 57-39.2-04.16.
- 19 ~~j. Tangible personal property used to construct, expand, or upgrade a facility owned~~ hospice care
- 20 ~~by an eligible facility or emergency medical services provider as authorized or~~ a hospice program
- 21 ~~approved for exemption by the tax commissioner under section 1 of this Act.~~

22 **SECTION 3. EFFECTIVE DATE.** This Act is effective for ~~taxable events~~ occurring after  
23 June 30, 2023. construction

