

# Arts and Crafts

**154**

Fact Sheet

Sales Tax Fact Sheet 154

**What's New in 2018**

We clarified when sellers are required to collect local sales taxes. See Local Sales and Use Taxes on page 3.

**Sales**

Sales of arts and crafts, except for most clothing, are subject to sales tax. This includes sales at craft shows, art fairs, flea markets and similar events, private homes, or nonprofit events such as church bazaars.

If you make retail sales of taxable items in Minnesota, you must register to collect Minnesota sales tax. To register for a Minnesota ID Tax Number, call 651-282-5225. Form ABR, *Application for Business Registration*, is also available on our website (www.revenue.state.mn.us).

You are not required to register if all your sales are through consignment shops or retail stores that are required to collect and report sales tax.

| Examples of taxable items      | Examples of nontaxable items |
|--------------------------------|------------------------------|
| barrettes                      | aprons                       |
| belt buckles (sold separately) | baby clothes                 |
| billfolds                      | belts                        |
| caricatures                    | hats                         |
| dolls and doll clothing        | mittens                      |
| jewelry                        | neckties                     |
| paintings                      | scarves                      |
| pet clothing and supplies      | shoes                        |
| photo mementos                 | suspenders                   |
| photographs                    | T-shirts and sweatshirts     |
| pottery                        |                              |
| purses                         |                              |
| sculptures                     |                              |
| wood carvings                  |                              |

Sales tax may either be added separately to the selling price or included in the selling price. If the tax is included in the selling price, the item must be marked “tax included” or a sign must be posted indicating that tax is included.

If your receipts include sales tax, you must subtract the tax from your general rate sales before filing your sales and use tax return. For more information, see the Sales and Use Tax Business Guide.

**Out-of-state sellers**

Out-of-state businesses must collect Minnesota tax on all taxable sales made while in Minnesota. If you make sales to Minnesota residents after you leave the state of Minnesota, or take orders for future direct mailings, these sales may be subject to Minnesota sales tax.

If you come into Minnesota for a selling event you are subject to income tax if you meet the minimum filing requirements. For more information, call 651-296-3781.

Any wages paid to employees are subject to Minnesota withholding tax requirements. For more information, call 651-282-9999.

**Sales for resale**

Sales of arts or crafts to a buyer who will resell them are not taxable. The buyer must give you a completed Form ST3, *Certificate of Exemption*. You must keep the certificate in your records to show why you didn't collect sales tax.

**Sales to nonprofit organizations**

Qualifying exempt organizations must give you a completed Form ST3, *Certificate of Exemption*, to make purchases without paying sales tax. You must keep the certificate in your records to show why you didn't collect sales tax.

**Purchases**

Making arts and crafts is considered to be industrial production. When you make arts and crafts to sell, you can buy the materials and other components that become part of your product without paying sales tax. For more information, see Fact Sheet 145, *Industrial Production*.

**Exemption Certificate**

To buy items without paying sales tax, you must give the seller a completed Form ST3, *Certificate of Exemption*,

You can find Form ST3 on our website. Go to [www.revenue.state.mn.us](http://www.revenue.state.mn.us) and type **ST3** into the Search box.

A brief summary of how sales tax applies to items you buy to make arts and crafts is listed below.

**Materials** that are ingredients or component parts of the product are not taxable (including paint and glue). Some materials may not become part of the product but are also not taxable because they are used only once in producing the product. For example, disposable polishing cloths or sandpaper.

**Non-returnable packaging materials** used to package products are not taxable.

**Utilities** such as electricity or gas used to run production equipment are not taxable, such as the electricity used to run a saw. However, you must pay tax on utilities used for space heating or lighting. For more information, see Fact Sheet 129, *Utilities Used in Production*.

**Lubricants** for production equipment (such as oil for a sewing machine) are not taxable.

**Cleaning solvents** used to clean your work area, or to clean equipment are taxable. However, solvents used during the production process, are not taxable.

**Machinery, equipment, and tools** that are used primarily to make a product qualify for the capital equipment exemption. Equipment such as a sewing machine, wood lathe, glue gun, scissors, and paint brushes may qualify if used more than 50 percent of its operating time to make a product to sell.

Beginning July 1, 2015, the capital equipment exemption is allowed at the time of purchase. You must provide your vendor with a completed Form ST3, *Certificate of Exemption*.

Before July 1, 2015, you had to pay the tax and apply for the refund.

For more information, see Fact Sheet 103, *Capital Equipment*.

## Use tax

Use tax applies to taxable items or services you use in your business that were purchased without paying sales tax. Use tax is similar to sales tax and the rates are identical. Use tax is based on the cost of taxable purchases.

For example, if you buy a computer online to keep records for your business and you are not charged sales tax,

you owe use tax. Another example is if you remove some of your craft items from inventory to use yourself or to give as gifts, you owe use tax on your cost of materials to make the craft.

**Note:** Use tax does not apply to items that you purchased without paying sales tax using an exemption certificate unless you put the items to personal or business use.

Report state and local sales and use taxes when you file your sales tax return.

## Local sales and use taxes

If you are located in or make sales into an area with a local tax, you may owe local sales or use tax. For more information, see Fact Sheet 164, *Local Sales and Use Taxes*.

### Legal References

Minnesota Statute 297A.67, subd. 8, Clothing  
Minnesota Statute 297A.87, Flea markets, Shows, and  
Other Selling Events

### Other Fact Sheets

103, *Capital Equipment*  
129, *Utilities Used in Production*  
145, *Industrial Production*  
146, *Use Tax for Businesses*  
148, *Selling Event Exhibitors and Operators*  
164, *Local Sales and Use Taxes*