



Department of Taxation and Finance

Important:

The information on the state and/or local exemptions for clothing and footwear in this TSB-M is out-of-date and cannot be relied upon.

For the most up-to-date information on state and local sales and use tax rates on clothing and footwear, see [Find sales tax rates](#).

For a detailed list of exempt and taxable items, see [Lists of Exempt and Taxable Clothing, Footwear, and Items Used to Make or Repair Exempt Clothing](#).

The TSB-M begins on page 2 below.

New York State Department of Taxation and Finance
Taxpayer Services Division
Technical Services Bureau

TSB-M-96(15)S
Sales Tax
November 15, 1996

One-Week Sales and Use Tax Exemption on Clothing and Footwear

The Tax Law has been amended to provide an exemption from New York State's (4%) sales and use taxes for certain clothing and footwear. The exemption also applies to the ¼% tax imposed by the state in the Metropolitan Commuter Transportation District. This district consists of the city of New York and the counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester. **The exemption will apply from January 18, 1997 through January 24, 1997.** The exemption does not apply to any locally imposed sales and use taxes unless the county or city imposing those taxes elects to provide for it.

The exemption applies to most clothing and footwear, provided the item is to be worn by human beings. It also applies to most fabric, thread, yarn, buttons, snaps, hooks, zippers and like items used or consumed in making or repairing exempt clothing, provided the item becomes a physical component part of this clothing. Alterations to exempt clothing are likewise exempt during the one-week exemption period.

The exemption applies to items of clothing and footwear worn on the body. However, not all items worn on the body are clothing and footwear. Jewelry, watches, etc., remain taxable though worn on the body. Equipment items, such as tool belts, hard hats, bicycle, ski, and motorcycle helmets, though worn on the body, are not exempt from tax. Goggles for skiing and swimming, cleated and spiked shoes, hockey, baseball and lacrosse masks, baseball gloves, fireplace mittens, and similar pieces of equipment (sporting or otherwise) remain subject to tax. Antique clothing is exempt provided the clothing is purchased for human wear, and not as collector items. Antique **doll** clothes are not exempt, and all purchases of doll clothes are taxable.

Where exempt clothing and footwear are sold together as a single unit along with taxable merchandise, the full price is subject to sales tax unless the price of the clothing and footwear are separately stated. For example, a store has a boxed gift set for sale that has a French-cuffed dress shirt, cufflinks and a tie tack. The gift set is sold for a single price of \$50.00. Although the shirt would otherwise be exempt during the one-week exemption period, the full price of the boxed gift set would be taxable because the cufflinks and tie tack are taxable and the selling price of the shirt is not separately stated.

The following additional limitations apply to this exemption.

- The article of clothing or footwear (per pair) must be sold for less than \$500. This \$500 limitation also applies to each item of fabric, thread, yarn, buttons, etc., used to make or repair clothing. Any charge by the vendor for alterations must be included when determining whether the \$500 limitation has been met.

- Costumes and rented formal wear are not eligible for exemption. Nor does the exemption apply to fabric, thread, yarn, buttons etc., used to make or repair costumes or rented formal wear.

Items of fabric, thread, yarn, buttons, etc., used to make or repair otherwise exempt clothing are not eligible for exemption if the item used is made from real or imitation pearls, or from real or imitation precious or semiprecious stones, jewels or metals.

- Most accessories (handbags, handkerchiefs, umbrellas, watches and watchbands, etc.) are not considered clothing and are taxable. However, belt buckles, cloth headbands, head scarves and neckwear such as scarves and ties are exempt.
- Fabric, thread, yarn, buttons, etc., used to make or repair products other than wearing apparel (doll clothes, afghans, draperies, pillows, etc.) are taxable.
- Monogramming of clothing prior to its sale is eligible for exemption where the monogramming is sold as part of the article. However, if monogramming is done separately by a vendor for a separate charge, the charge for this service is not eligible for exemption. Monogramming includes application of decals, logos and like items (pictures, letters, etc.) by sewing, printing, imprinting, silk screening etc.

Special Rules That Apply During The One-Week Exemption Period

The following special rules are to be used **ONLY** for purposes of determining whether a sale of eligible clothing or footwear qualifies for the exemption during the week of January 18, 1997 through January 24, 1997.

Delivery, Shipping and Handling Charges (Delivery)

Reasonable charges by the vendor for delivery of eligible clothing and footwear items are not taken into account in determining if an item meets the \$500 limitation. For example, if an article of clothing sells for \$495 and the vendor charges \$10 for delivery, the clothing will qualify for exemption. However, delivery charges by the vendor for items costing \$500 or more remain subject to tax.

Mail and Telephone Orders

The exemption will apply to all eligible clothing and footwear items ordered by mail or by telephone if the orders are accepted by the vendor during the week of the exemption. An order is accepted by the vendor when the vendor has taken an action to fill the order. Actions to fill an order include placing an "in-date" stamp on a mail order and assigning an "order number" to a telephone order. As long as the vendor accepts the customer's order during the one-week exemption period, the exemption will apply even though delivery might not be made during the exemption period.

This special rule will also apply to orders for eligible clothing and footwear items using the INTERNET, E-Mail and computer bulletin boards.

Layaway Sales

A layaway sale is a sale in which merchandise is set aside for future delivery to a customer who makes a deposit and agrees to pay the balance of the purchase price over a period of time before the merchandise is delivered.

The sales price of the merchandise includes any additional charges a vendor makes for putting the merchandise on layaway. These charges must be added to the ticket price of the clothing or footwear item for purposes of determining if the cost of the item is less than \$500.00.

If a vendor and a customer enter into a contract for a layaway sale of eligible clothing or footwear during the one-week exemption period, the exemption will apply as long as the customer makes a deposit of 10% and the merchandise is segregated from other inventory.

Custom and Special Orders

Eligible clothing and footwear items that are custom ordered or special ordered during the one-week exemption period will qualify for the exemption, even though the item is delivered after the exemption period. In order to qualify for the exemption, the vendor and the customer must enter into a contract during the exemption week to have the custom or special order made for the customer.

Rain Checks

The exemption will not apply to clothing or footwear purchased after January 24, 1997 even though the purchaser uses a "rain check" that was issued during the week of January 18, 1997 through January 24, 1997.

Exchanges

Where a customer purchases eligible clothing or footwear during the one-week exemption period and returns the item after January 24, 1997 for an exchange, there will be no additional tax as long as the item is exchanged for a like item, a shirt for a shirt, etc. Where a customer returns the item and receives a credit or is allowed to purchase a different item, the appropriate sales tax will apply to the sale of the newly-purchased item. For example, if a customer buys a shirt during the exemption period and exchanges it the following month for a pair of boots, tax is due on the full price of the boots.

Coupons

Where a customer uses a manufacturer's coupon to pay for eligible clothing or footwear, the value of the coupon does not reduce the selling price for purposes of determining if the item is sold for less than \$500. Where a customer pays for eligible clothing or footwear using a store coupon, for which the store receives no reimbursement, the store coupon does reduce the selling price for purposes of determining if the item is sold for less than \$500.

Special Reporting Requirements For One-Week Exemption Items

Vendors who make sales of eligible clothing and footwear during the one-week exemption period must file a new form, **Schedule H**, to report those sales. Schedule H contains lines to report sales of clothing and footwear made during the one-week exemption period (January 18 - January 24) for each locality (county and city) imposing taxes in the state. All sales of eligible clothing and footwear during that week must be separately reported for the locality in which the sales were made. That is, sales of eligible clothing and footwear must be reported, by locality, whether they are subject to local tax (because a city or county did not exercise the option to enact the exemption) or are totally exempt from state and local tax.

Schedule H will be supplied to all quarterly filers of forms ST-100, ST-102 (quarterly) and ST-810 with their returns for the quarterly period December 1, 1996 - February 28, 1997. This schedule should be completed and filed along with their quarterly report. Annual filers will receive Schedule H with the ST-101 and ST-102 (annual) for the period June 1, 1996 - May 31, 1997. Sales of eligible clothing and footwear in the week of January 18 - January 24, 1997 should be reported on this schedule. The schedule must be returned with these annual returns.

The pages that follow contain a list which indicates whether an item qualifies for the one-week sales and use tax exemption on clothing and footwear.

T = Taxable
E = Exempt

T/E	ITEM	T/E	ITEM	T/E	ITEM
	Accessories	E	Athletic supporters	T	Children's costumes
T	barrettes	E	Baby diapers	E	Clerical vestments
E	belt buckles	E	Bandannas	E	Coats and wraps
T	bobby pins	E	Baseball hats	T	Corsages and boutonnieres
T	elastic ponytail holders	T	Baseball and hockey gloves	E	Corset laces
T	hairbows	E	Baseball uniforms	T	Costumes - Halloween, Christmas, etc.
T	hairclips	E	Bathing caps	E	Coveralls
T	handbags	E	Bathing suits	T	Crib blankets
T	handkerchiefs	E	Beach capes and coats	E	Dress shields
E	head scarves	E	Belts/suspenders	E	Dresses
T	headbands (plastic)	E	Bibs (baby)	E	Ear muffs
T	jewelry	T	Bicycle shoes (cleated)	E	Employee uniforms
T	key cases	E	Blouses	E	Football uniforms (clothing- not including shoulder pads)
E	scarves for headwear / neckwear	E	Boots (generally)	E	Formal clothing (unless rented)
T	shower caps	T	climbing	E	Foul weather clothing
T	wallets	E	fishing	E	Fur clothing
T	watch bands	E	hiking	E	Garters/garter belts
T	watches	E	overshoes/galoshes	E	Girdles
E	Adult diapers*	T	riding	E	Gloves (generally)
E	Aerobic clothing	T	ski	T	batting
T	Afghans	T	waders	T	bicycle gloves
E	Antique clothing (but see page 1 for exception)	E	Bowling shirts	E	dress (unless rented)
E	Aprons (household and shop)	T	Bowling shoes	E	garden
E	Arch supports*	E	Bridal gowns and veils (unless rented)	T	golf
E	Arm warmers	E	Camp clothes	E	leather
E	Athletic socks	E	Caps	T	rubber
		E	Chef uniforms		

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T/E	ITEM	T/E	ITEM	T/E	ITEM
E	ski gloves	E	Formal wear (men's/women's - unless rented)		prescription)
T	surgical			E	Scout uniforms
T	tennis	E	Neckwear/ties	E	Shawls/wraps
E	work	E	Nylons	T	Shin guards and padding
T	Goggles (except prescription)*	E	Painter pants	E	Shirts
E	Golf dresses	T	Party costumes	E	Shirts (hooded)
E	Golf jackets	T	Personal flotation devices	E	Shoe inserts
E	Golf shirts	E	Ponchos	E	Shoe laces
E	Golf skirts	T	Pot holders	E	Shoes (generally)
T	Golf purse	E	Prom dress (unless rented)	T	ballet
T	Graduation caps and gowns	E	Protective aprons	T	bicycle
E	Gym suits	T	Protective masks (athletic)	E	boat
E	Hand muffs	E	Rain jackets	T	bowling
T	Handbags/purses	E	Rain suits	T	cleated
E	Hats	E	Rain wear	E	flip-flops (rubber thongs)
T	Helmets	E	Receiving blankets	T	football
E	Hosiery (pantyhose and peds)	E	Religious clothing	T	golf
T	Ice skates	E	Rented uniforms (unless formal wear/costume)	T	jazz/dance
E	Insoles			E	jellies
E	Jeans	E	Repairing of wearing apparel	E	rubber
E	Jogging suits	E	Riding pants	E	running (without cleats)
E	Lab coats	E	Robes		
E	Leg warmers	T	Roller blades		
E	Leotards/tights	T	Roller skates (boot and screw- on)		
T	Life vests				
E	Lingerie	E	Safety clothing (normally worn in hazardous occupations)		
T	Lobster bibs				
E	Martial arts attire	T	Safety glasses (non-		

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T/E	ITEM	T/E	ITEM	T/E	ITEM
E	safety (suitable for everyday use)	E	prescription)*	E	fabrics
E	sandals	E	Support hosiery		Yard goods, yarn and sewing accessories
E	sneaker and tennis	E	Suspenders	E	knitting yarns
T	soccer (cleated)	E	Sweat suits	E	lace
T	tap dance	E	Tennis (dresses, hats, shorts, skirts, sneakers, shoes)	E	patches: cloth, denim, embroidered, iron-on, leather, etc.
T	track and cleats	E	Ties (men's/women's)		ribbons
E	wading/water sport	E	Tights	E	seam binding and bias tape
T	Shooting glasses	E	Tuxedo (unless rented)	E	thread
E	Shoulder pads (for dresses, jackets, etc.)	T	Umbrellas	E	zippers
T	Shoulder pads (football, hockey, etc.)	E	Underclothes	T	yard goods, yarns and sewing accessories (not an integral part of clothing)
T	Shower caps	T	Uniforms (police, fire, nurses, mechanics, postal)	T	chalk
E	Ski jackets	T	Water ski vests	T	fabrics and yarns (used to make items other than apparel, such as rugs, pillows, etc.)
E	Ski masks	T	Wet and dry suits	T	instruction books
E	Ski suits (one-piece)	T	Wigs	T	knitting needles
E	Ski sweaters	E	Work clothes	T	measuring tapes
E	Ski sweaters	E	Work uniforms	T	needles
E	Ski warm-up pants	E	Yard goods (cloth and material to make clothing)	T	patterns
E	Sleepwear - (nightgowns/pajamas)	E	Yard goods, yarn and sewing (generally)	T/E	ITEM
E	Slippers	T	basting thread	T	scissors
E	Soccer socks	E	bra and slip repair		
E	Socks	E	buttons		
T	Sports helmets	E	elastic		
E	Sports uniforms	E	fabric adhesives/glue		
T	Sunglasses (except	E	fabric paint		

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T straight pins
T thimble

Items with an asterisk (*) e.g., adult diapers and arch supports, etc., are included in the list of taxable and exempt items. These items are **not** to be reported on Schedule H. They are currently exempt and will remain exempt after the one-week exemption period for certain clothing and footwear items. See Publication 882, *Taxable Status of Medical Equipment and Supplies*.