

A nose job, a tummy tuck — a sales tax? Minnesota lawmaker hopes to raise \$7M with a levy on cosmetic surgery; her bill's future looks dim

By Jeremy Olson

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A Minnesota lawmaker wants people to pay more for their nips and tucks by extending Minnesota's 6.5 percent sales tax to elective cosmetic surgery.

At a hearing Monday, Rep. Phyllis Kahn, DFL-Minneapolis, said the state already taxes spa treatments and fitness programs that people use to improve their appearance, so why not procedures for the perfect nose, lips or skin? The tax could generate \$7 million, she said, but have a minimal effect on Minnesota's poor or working families.

"There aren't a lot of homeless people and there aren't a lot of people who don't have enough money for food who are getting optional cosmetic surgery," she said.

The proposed tax would apply to hair transplants, laser hair removal, cosmetic injections and other elective procedures but not to reconstructive procedures such as those for burn or accident victims.

The House tax committee held the proposal without a vote, and the chairwoman, Rep. Ann Lenczewski, DFL-Bloomington, offered only slim hope of adding it to a larger tax bill later in the session.

Only New Jersey levies a sales tax on cosmetic procedures, though lawmakers in Texas and other states have discussed the idea.

Rep. Ron Erhardt, R-Edina, needled Kahn for championing women's rights in other legislation but proposing a bill that would adversely affect women — who receive most of the elective cosmetic procedures in the U.S.

Whether a cosmetic treatment provides self-esteem is up to the individual, "whether it be a spa or shaving your head," Erhardt added, drawing laughter for his reference to Britney Spears' latest hairstyle.

A plastic surgeon came to the session to oppose the bill but was not allowed to testify because of a lack of time. Later, Dr. George Landis said he and the Minnesota Medical

Association oppose the tax because it would be impossible to separate which procedures are elective and which are needed.

Breast reductions may be cosmetic, but they also reduce back pain. Procedures to eliminate facial scarring from acne also would be borderline.

"The definition of a cosmetic procedure versus a reconstructive procedure is very unclear," he said.

Kahn's proposal would be a double tax on plastic surgeons, he added, because, like all doctors, they pay the 2 percent "sick tax" that supports the MinnesotaCare health plan.

Most of the gains would come from the bank accounts of hardworking women, said Dr. Richard D'Amico, president-elect of the American Society of Plastic Surgeons, based near Chicago. He said 90 percent of plastic surgery patients are women, with annual incomes averaging about \$60,000.

"It hurts working women who save up their money and work hard and try to do something for themselves once in a while," he said.

D'Amico practices in Englewood, N.J., where his patients have had to pay the 6 percent state sales tax on their operations since 2004. New Jersey lawmakers voted to repeal the tax last year, but Gov. Jon Corzine vetoed that effort in January.