

House Bill 319

By: Representative Stephens of the 164<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to  
2 exemptions from sales and use tax, so as to extend an exemption from state sales and use tax  
3 only for a limited period of time regarding the sale or use of tangible personal property to  
4 certain nonprofit health centers; to extend an exemption for a limited period of time  
5 regarding sales to certain nonprofit volunteer health clinics; to extend for a limited period of  
6 time an exemption with respect to certain sales of eligible food and beverages to a qualified  
7 food bank; to extend for a limited period of time an exemption with respect to the use of food  
8 which is donated to a qualified nonprofit agency and which is used for hunger relief  
9 purposes; to extend for a limited period of time an exemption with respect to the use of food  
10 donated for disaster relief purposes; to provide for a limited period of time an exemption  
11 from state sales and use tax only with respect to certain sales to a qualified job training  
12 organization; to provide for procedures, conditions, and limitations; to provide an effective  
13 date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from  
17 sales and use tax, is amended by revising subparagraph (A) of paragraph (7.05) as follows:

18 "(7.05)(A) For the period commencing on July 1, 2008, and ending on ~~June 30, 2010~~  
19 December 31, 2014, sales of tangible personal property to a nonprofit health center in  
20 this state which has been established under the authority of and is receiving funds  
21 pursuant to the United States Public Health Service Act, 42 U. S. C. Section 254b if  
22 such health clinic obtains an exemption determination letter from the commissioner."

23 **SECTION 2.**

24 Said Code section is further amended by revising paragraph (7.3) as follows:

25 "(7.3) For the period commencing July 1, 2008, and ending ~~June 30, 2010~~  
 26 December 31, 2014, sales of tangible personal property and services to a nonprofit  
 27 volunteer health clinic which primarily treats indigent persons with incomes below 200  
 28 percent of the federal poverty level and which property and services are used exclusively  
 29 by such volunteer health clinic in performing a general treatment function in this state  
 30 when such volunteer health clinic is a tax exempt organization under the Internal  
 31 Revenue Code and obtains an exemption determination letter from the commissioner;"

32 **SECTION 3.**

33 Said Code section is further amended by revising subparagraph (A) of paragraph (57.1) as  
 34 follows:

35 "(57.1)(A) From July 1, 2006, until ~~June 30, 2010~~ December 31, 2014, sales of food  
 36 and food ingredients to a qualified food bank."

37 **SECTION 4.**

38 Said Code section is further amended by revising subparagraph (A) of paragraph (57.2) as  
 39 follows:

40 "(57.2)(A) For the period commencing July 1, 2007, and ending on ~~June 30, 2011~~  
 41 December 31, 2014, the use of prepared food which is donated to a qualified nonprofit  
 42 agency and which are used for hunger relief purposes."

43 **SECTION 5.**

44 Said Code section is further amended by revising subparagraph (A) of paragraph (57.3) as  
 45 follows:

46 "(57.3)(A) For the period commencing July 1, 2007, and ending on ~~June 30, 2011~~  
 47 December 31, 2014, the use of prepared food which is donated following a natural  
 48 disaster and which are used for disaster relief purposes."

49 **SECTION 6.**

50 Said Code section is further amended by revising paragraph (85) as follows:

51 (85)(A) Sales of tangible personal property and services to a qualified job training  
 52 organization when such organization obtains an exemption determination letter from  
 53 the commissioner.

54 (B) For the purposes of this paragraph, 'qualified job training organization' means an  
 55 organization which:

56 (i) Is located in this state;

- 57 (ii) Is exempt from income taxation under Section 501(c)(3) of the Internal Revenue  
 58 Code;  
 59 (iii) Specializes in the retail sale of donated items;  
 60 (iv) Provides job training and employment services to individuals with workplace  
 61 disadvantages and disabilities; and  
 62 (v) Uses a majority of its revenues for job training and placement programs.  
 63 (C)(i) For the purposes of this paragraph, the term 'local sales and use tax' shall mean  
 64 any sales tax, use tax, or local sales and use tax which is levied and imposed in an  
 65 area consisting of less than the entire state, however authorized, including, but not  
 66 limited to, such taxes authorized by or pursuant to constitutional amendment; by or  
 67 pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as  
 68 amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; by or  
 69 pursuant to Article 2 of this chapter; by or pursuant to Article 2A of this chapter; by  
 70 or pursuant to Part 1 of Article 3 of this chapter; by or pursuant to Part 2 of Article 3  
 71 of this chapter; or by or pursuant to Article 4 of this chapter.  
 72 (ii) The exemption provided for in subparagraph (A) of this paragraph shall not apply  
 73 to any local sales and use tax levied or imposed at any time.  
 74 (D) The commissioner shall promulgate any rules and regulations necessary to  
 75 implement and administer this paragraph.  
 76 (E) This paragraph shall stand repealed in its entirety on December 31, 2014  
 77 Repealed;"

78 **SECTION 7.**

79 This Act shall become effective on July 1, 2011.

80 **SECTION 8.**

81 All laws and parts of laws in conflict with this Act are repealed.