16 LC 43 0293S

House Bill 763 (COMMITTEE SUBSTITUTE)

By: Representatives Houston of the 170<sup>th</sup>, Harrell of the 106<sup>th</sup>, Knight of the 130<sup>th</sup>, Carter of the 175<sup>th</sup>, Nimmer of the 178<sup>th</sup>, and others

## A BILL TO BE ENTITLED AN ACT

- 1 To amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,
- 2 relating to general provisions regarding the state sales and use tax, so as to extend the sunset
- 3 period for the exemption of the sale of food and food ingredients to qualified food banks and
- 4 for the use of food and food ingredients donated to qualified nonprofit agencies; to provide
- 5 for related matters; to repeal conflicting laws; and for other purposes.

## BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

- 8 Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to
- 9 general provisions regarding the state sales and use tax, is amended by revising paragraphs
- 10 (57.1) and (57.2) of Code Section 48-8-3, relating to exemptions from state sales and use
- 11 taxes, as follows:

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- 12 "(57.1)(A) From July 1, 2014, until June 30, <del>2016</del> <u>2021</u>, sales of food and food
- ingredients to a qualified food bank.
- 14 (B) As used in this paragraph, the term 'qualified food bank' means any food bank
- which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code
- and which is operated primarily for the purpose of providing hunger relief to low
- income persons residing in this state.
- 18 (C) Notwithstanding Code Sections 48-2-15, 48-7-60, and 48-7-61, any taxpayer
- seeking to claim the exemption provided for within subparagraph (A) of this paragraph
- 20 <u>shall electronically submit to the department, at the time of application for the</u>
- 21 <u>exemption and any such annual renewal, the total number of clients served in the</u>
- 22 previous calendar year, total pounds of food donated by retailers, and total amount of
- 23 <u>exempt purchases made in the preceding year. The department shall then issue a report</u>
- 24 <u>to the chairpersons of the House Committee on Ways and Means and the Senate</u>
- 25 <u>Finance Committee detailing the total number of clients served, total pounds of food</u>

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10	SECTION 2
39	necessary in order to administer and effectuate this paragraph;"
38	(D) The commissioner is authorized to promulgate rules and regulations deemed
37	in Code Section 48-8-2 shall not include drugs or over-the-counter drugs.
36	(C) For the purposes of this paragraph, the term 'food and food ingredients' as defined
35	and which provides hunger relief.
34	which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code
33	(B) As used in this paragraph, the term 'qualified nonprofit agency' means any entity
32	and which is used for hunger relief purposes.
31	the use of food and food ingredients which is donated to a qualified nonprofit agency
30	(57.2)(A) For the period commencing July 1, 2015, and ending on June 30, <del>2020</del> <u>2021</u> ,
29	necessary in order to administer and effectuate this paragraph;
28	(C)(D) The commissioner is authorized to promulgate rules and regulations deemed
27	previous calendar year, by June 30 each year.
26	donated by retailers, and total amount of sales and use tax exempted sales for the

40 SECTION 2.

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