

House Bill 882

By: Representatives Houston of the 170th, Rich of the 97th, Corbett of the 174th, Greene of the 151st, and Cheokas of the 138th, 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 eliminate the
3 sunset period for the exemption from state and certain local sales and use taxes for the sale
4 of food and food ingredients to qualified food banks and for the use of food and food
5 ingredients donated to qualified nonprofit agencies; to expand the exemption for the use of
6 food and food ingredients donated to qualified nonprofit agencies to include disaster relief;
7 to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to
11 general provisions regarding the state sales and use tax, is amended by revising paragraphs
12 (57.1) and (57.2) of Code Section 48-8-3, relating to exemptions from state sales and use
13 taxes, as follows:

14 "(57.1)(A) ~~From July 1, 2014, until June 30, 2021, sales~~ Sales of food and food
15 ingredients to a qualified food bank.

16 (B) As used in this paragraph, the term 'qualified food bank' means any food bank
17 which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code
18 and which is operated primarily for the purpose of providing hunger relief to low
19 income persons residing in this state.

20 (C) Notwithstanding Code Sections 48-2-15, 48-7-60, and 48-7-61, any taxpayer
21 seeking to claim the exemption provided for within subparagraph (A) of this paragraph
22 shall electronically submit to the department, at the time of application for the
23 exemption and any such annual renewal, the total number of clients served in the
24 previous calendar year, total pounds of food donated by retailers, and total amount of
25 exempt purchases made in the preceding year. The department shall then issue a report
26 to the chairpersons of the House Committee on Ways and Means and the Senate

27 Finance Committee detailing the total number of clients served, total pounds of food
28 donated by retailers, and total amount of sales and use tax exempted sales for the
29 previous calendar year, by June 30 each year.

30 (D) The commissioner is authorized to promulgate rules and regulations deemed
31 necessary in order to administer and effectuate this paragraph;

32 ~~(57.2)(A) For the period commencing July 1, 2015, and ending on June 30, 2021, the~~
33 The use of food and food ingredients which is donated to a qualified nonprofit agency
34 and ~~which is~~ used for hunger relief or disaster relief purposes.

35 (B) As used in this paragraph, the term 'qualified nonprofit agency' means any entity
36 which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code
37 and which provides hunger relief.

38 (C) For the purposes of this paragraph, the term 'food and food ingredients' as defined
39 in Code Section 48-8-2 shall not include drugs or over-the-counter drugs.

40 (D) The commissioner is authorized to promulgate rules and regulations deemed
41 necessary in order to administer and effectuate this paragraph;"

42 **SECTION 2.**

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