

House Bill 21

By: Representatives Scott of the 76th, Davis of the 87th, and Schofield of the 63rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated,
2 relating to imposition, rate, computation, exemption, and credits from income taxes, so as to
3 provide for a tax credit for the construction, renovation, purchase, or lease of a property for
4 taxpayers who place in service an eligible retailer that sells or offers for sale healthy foods
5 in a less developed area; to provide for definitions; to provide for terms and conditions; to
6 provide for rules and regulations; to provide a short title; to provide for related matters; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Healthy Food Access Tax Credit Act."

11 **SECTION 2.**

12 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
13 imposition, rate, computation, exemption, and credits from income taxes, is amended by
14 revising Code Section 48-7-40.33, which is reserved, as follows:

15 "48-7-40.33.

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- 16 (a) As used in this Code section, the term:
- 17 (1) 'Convenience store' means a business that is engaged primarily in the retail sale or
18 offering for sale of convenience goods, or convenience goods and gasoline, and has less
19 than 10,000 square feet of retail floor space.
- 20 (2) 'Corner store' means a retail establishment that sells or offers for sale food and other
21 nonalcoholic items and has less than 5,000 square feet of selling area.
- 22 (3) 'Eligible retailer' means a convenience store, corner store, farmers' market, grocery
23 store, or small food retailer that sells or offers for sale healthy foods.
- 24 (4) 'Farmers' market' has the same meaning as in Code Section 2-10-52.
- 25 (5) 'Grocery store' means a retail establishment:
- 26 (A) Whose primary business is selling or offering for sale grocery products;
27 (B) That has at least 5,000 square feet of selling area that is used for a general line of
28 food and nonfood grocery products; and
29 (C) That meets the eligibility requirements for the federal Supplemental Nutrition
30 Assistance Program.
- 31 (6) 'Healthy foods' means fresh fruits and vegetables.
- 32 (7) 'Less developed area' means any area designated as such by the commissioner of
33 community affairs pursuant to Code Section 48-7-40.1.
- 34 (8) 'Small food retailer' means a small business that sells or offers for sale unprepared
35 food products and is not a grocery store.
- 36 (b) For taxable years beginning on and after January 1, 2026, a tax credit is allowed
37 against the tax imposed under this article to a taxpayer in the amount of 15 percent of the
38 expenses incurred for the construction, renovation, purchase, or lease of a property for the
39 purposes of placing in service an eligible retailer in a less developed area; provided,
40 however, that such tax credit shall be further subject to the following conditions and
41 limitations:

- 42 (1) The tax credit allowed by this Code section shall only be claimed for the taxable year
43 in which the eligible retailer is placed in service;
- 44 (2) In no event shall the amount of the tax credit allowed by this Code section for a
45 taxable year exceed the taxpayer's liability for such taxes. Any unused credit amount
46 shall be allowed to be carried forward for five years from the close of the taxable year in
47 which the eligible retailer is placed in service. No such credit shall be allowed the
48 taxpayer against prior years' tax liability; and
- 49 (3) To claim a credit allowed by this Code section, the taxpayer shall provide any
50 information required by the department. Every taxpayer claiming a credit under this
51 Code section shall maintain and make available for inspection by the department any
52 records that either entity considers necessary to determine and verify the amount of the
53 credit to which the taxpayer is entitled. The burden of proving eligibility for a credit and
54 the amount of the credit rests upon the taxpayer, and no credit shall be allowed to a
55 taxpayer that fails to maintain adequate records or to make them available for inspection.
- 56 (c) The commissioner shall promulgate any rules and regulations necessary to implement
57 and administer this Code section. Reserved."

58 **SECTION 3.**

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