

SECOND REGULAR SESSION

HOUSE BILL NO. 1817

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRAY.

3673H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 144.1021, RSMo, and section 144.014 as enacted by senate bills nos. 153 & 97, one hundred first general assembly, first regular session, and section 144.014 as enacted by senate bill no. 613 revision, ninety-fourth general assembly, first regular session, and to enact in lieu thereof two new sections relating to sales tax.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 144.1021, RSMo, and section 144.014 as enacted by senate bills
2 nos. 153 & 97, one hundred first general assembly, first regular session, and section 144.014
3 as enacted by senate bill no. 613 revision, ninety-fourth general assembly, first regular
4 session, are repealed and two new sections enacted in lieu thereof, to be known as sections
5 144.014 and 144.1021, to read as follows:

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning
2 October 1, 1997, the tax levied and imposed under this chapter on all retail sales of food shall
3 be at the rate of one percent. The revenue derived from the one percent rate pursuant to this
4 section shall be deposited by the state treasurer in the school district trust fund and shall be
5 distributed as provided in section 144.701.

6 2. For the purposes of this section, the term "food" shall include only those products
7 and types of food for which [~~food stamps~~] **benefits** may be redeemed pursuant to the
8 provisions of the [~~Federal Food Stamp Program~~] **Supplemental Nutrition Assistance**
9 **Program** as [~~contained~~] **described** in 7 U.S.C. Section 2012, as that section now reads or as it
10 may be amended hereafter, and shall include food dispensed by or through vending machines.
11 For the purpose of this section, except for vending machine sales, the term "food" shall not
12 include food or drink sold by any establishment where the gross receipts derived from the sale

EXPLANATION — Matter enclosed in bold-faced brackets [~~thus~~] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 of food prepared by such establishment for immediate consumption on or off the premises of
14 the establishment constitutes more than eighty percent of the total gross receipts of that
15 establishment, regardless of whether such prepared food is consumed on the premises of that
16 establishment, including, but not limited to, sales of food by any restaurant, fast food
17 restaurant, delicatessen, eating house, or café.

18 **3. Notwithstanding any provision of law to the contrary, there shall be no local**
19 **sales tax, as that term is defined in section 32.085, levied or imposed on any retail sale of**
20 **food in this state.**

2 ~~[144.014. 1. Notwithstanding other provisions of law to the contrary,~~
3 ~~beginning October 1, 1997, the tax levied and imposed pursuant to sections~~
4 ~~144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food~~
5 ~~shall be at the rate of one percent. The revenue derived from the one percent~~
6 ~~rate pursuant to this section shall be deposited by the state treasurer in the~~
7 ~~school district trust fund and shall be distributed as provided in section~~
8 ~~144.701.~~

9 ~~2. For the purposes of this section, the term "food" shall include only~~
10 ~~those products and types of food for which food stamps may be redeemed~~
11 ~~pursuant to the provisions of the Federal Food Stamp Program as contained in~~
12 ~~7 U.S.C. Section 2012, as that section now reads or as it may be amended~~
13 ~~hereafter, and shall include food dispensed by or through vending machines.~~
14 ~~For the purpose of this section, except for vending machine sales, the term~~
15 ~~"food" shall not include food or drink sold by any establishment where the~~
16 ~~gross receipts derived from the sale of food prepared by such establishment for~~
17 ~~immediate consumption on or off the premises of the establishment constitutes~~
18 ~~more than eighty percent of the total gross receipts of that establishment,~~
19 ~~regardless of whether such prepared food is consumed on the premises of that~~
20 ~~establishment, including, but not limited to, sales of food by any restaurant,~~
~~fast food restaurant, delicatessen, eating house, or cafe.]~~

144.1021. The enactment of sections 143.177, 144.608, 144.637, 144.638, and
2 144.752 of this act; the repeal and reenactment of sections 143.011, 144.011, [144.014,]
3 144.020, 144.049, 144.054, 144.140, 144.526, and 144.605 of this act; and the repeal of
4 sections 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015 of this
5 act shall become effective January 1, 2023.

✓