

SECOND REGULAR SESSION

# HOUSE BILL NO. 2215

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE NASHEED.

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D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 144.014, RSMo, and to enact in lieu thereof two new sections relating to sales taxes on food.

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

Section A. Section 144.014, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 144.014 and 311.565, to read as follows:

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1, 1997, **and ending December 31, 2010**, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food shall be at the rate of one percent. The revenue derived from the one percent rate pursuant to this section shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701. **Beginning January 1, 2011, through December 31, 2015, the tax levied and imposed under this chapter on all retail sales of food shall be reduced by an equal percentage annually until no tax is imposed on retail sales of food under this chapter. Beginning January 1, 2016, and for all following years, all retail sales of food shall be exempt from the sales and use tax levied and imposed under this chapter.**

2. For the purposes of this section, the term "food" shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it may be amended hereafter, and shall include food dispensed by or through vending machines. For the purpose of this section, except for vending machine sales, the term "food" shall not include food or drink sold by any establishment where the gross receipts derived from the sale of food prepared by such establishment for immediate consumption on or off the premises of the

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.

18 establishment constitutes more than eighty percent of the total gross receipts of that  
19 establishment, 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,  
21 delicatessen, eating house, or café.

**311.565. 1. In addition to the charges imposed in section 311.550 for the privilege  
2 of selling spirituous liquors, including brandy, rum, whiskey, and gin, and other spirituous  
3 liquors and alcohol for beverage purposes, a charge for the purpose of providing revenue  
4 for schools shall be collected by the supervisor of alcohol and tobacco control for the  
5 privilege of selling spirituous liquors, including brandy, rum, whiskey, and gin, and other  
6 spirituous liquors and alcohol for beverage purposes. The rate of the charge shall be an  
7 additional amount, adjusted annually, necessary to replace the amount of revenue lost each  
8 year as a result of the reduction in the percentage of tax imposed on food under section  
9 144.014. The revenue derived from the tax imposed in this subsection shall be deposited  
10 in the school district trust fund created in section 144.701, and shall be distributed as  
11 provided in section 144.701.**

**12 2. In addition to the charges imposed in sections 311.550 and 311.554 for the  
13 privilege of selling wines, a charge for the purpose of providing revenue for schools shall  
14 be collected by the supervisor of alcohol and tobacco control for the privilege of selling  
15 wines. The rate of the charge shall be an additional amount, adjusted annually, necessary  
16 to replace the amount of revenue lost each year as a result of the reduction in the  
17 percentage of tax imposed on food under section 144.014. The revenue derived from the  
18 tax imposed in this subsection shall be deposited in the school district trust fund created  
19 in section 144.701, and shall be distributed as provided in section 144.701.**

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