

2024 Regular Session

HOUSE BILL NO. 37

BY REPRESENTATIVE MCCORMICK

TAX/SALES-USE, LOCAL-EXEM: Exempts certain foods and beverages from local sales and use taxes

1 AN ACT

2 To amend and reenact R.S. 47:305(D)(1)(n) through (r) and (3)(b) and to enact R.S.
3 47:337.9(C)(14.2), relative to exemptions from sales and use taxes imposed by
4 political subdivisions; to establish exemptions from such taxes for certain foods and
5 beverages; to provide for terms designated as "key words" that are associated with
6 certain local sales and use tax exemptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:305(D)(1)(n) through (r) and (3)(b) are hereby amended and
9 reenacted and R.S. 47:337.9(C)(14.2) is hereby enacted to read as follows:

10 §305. Exclusions and exemptions from the tax

11 * * *

12 D.(1) The sale at retail, the use, the consumption, the distribution, and the
13 storage to be used or consumed in the taxing jurisdiction of the following tangible
14 personal property is hereby specifically exempted from the tax imposed by taxing
15 authorities, except as otherwise provided in this Paragraph:

16 * * *

17 (n) ~~Solely for~~ For purposes of the state sales and use tax and the sales and
18 use taxes of political subdivisions, food sold for preparation and consumption in the
19 home including by way of extension and not of limitation bakery products.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 37 Original

2024 Regular Session

McCormick

Abstract: Creates a mandatory local sales and use tax exemption for sales of foods and beverages that are currently exempted from state sales and use tax.

Present constitution establishes that the state sales and use tax shall not apply to sales or purchases of food for home consumption as defined in present law.

Present law provides that the following food and beverage items are exempt from the state sales and use tax:

- (1) Food sold for preparation and consumption in the home including bakery products.
- (2) Dairy products.
- (3) Soft drinks.
- (4) Fresh fruits and vegetables.
- (5) Package foods requiring further preparation by the purchaser.
- (6) Bakery products sold for consumption in the home when purchased at grocery stores, bakeries, and donut shops, regardless of whether such businesses furnish facilities for the consumption of food on the premises.

Proposed law amends present law to extend the tax exemption for the food and beverage items listed above such that these items would be exempt from local sales and use taxes as well as the state sales and use tax.

Present law establishes mandatory local sales and use tax exemptions for the sale or purchase of certain items. Proposed law amends present law to include the food and beverage items listed above within the scope of mandatory local sales and use tax exemptions.

(Amends R.S. 47:305(D)(1)(n)-(r) and (3)(b); Adds R.S. 47:337.9(C)(14.2))