

HOUSE BILL 823

Q4

1lr1260

By: **Delegate Krebs**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Sales and Use Tax – Nonprofit Food Vendors – Youth Sporting Events**

3 FOR the purpose of providing an exemption from the sales and use tax for sales of
4 food, bottled water, soft drinks or carbonated beverages, and candy or
5 confectionery by a nonprofit food vendor at a youth sporting event under certain
6 circumstances; and generally relating to a sales and use tax exemption for sales
7 of certain items by a nonprofit food vendor at a youth sporting event.

8 BY repealing and reenacting, without amendments,
9 Article – Tax – General
10 Section 11–206(a)(4)
11 Annotated Code of Maryland
12 (2010 Replacement Volume)

13 BY repealing and reenacting, with amendments,
14 Article – Tax – General
15 Section 11–206(d)
16 Annotated Code of Maryland
17 (2010 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Tax – General**

21 11–206.

22 (a) (4) (i) “Food” means food for human consumption.

23 (ii) “Food” includes the following foods and their products:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 fruit juices, and tea;
- 2
- 3 1. beverages, including coffee, coffee substitutes, cocoa,
- 4 2. condiments;
- 5 3. eggs;
- 6 4. fish, meat, and poultry;
- 7 5. fruit, grain, and vegetables;
- 8 6. milk, including ice cream; and
- 9 7. sugar.

10 (iii) "Food" does not include:

- 11 1. an alcoholic beverage as defined in § 5-101 of this
- 12 article;
- 13 2. a soft drink or carbonated beverage; or
- 14 3. candy or confectionery.

15 (d) The sales and use tax does not apply to:

16 (1) a sale of food:

17 (i) to patients in a hospital when the food charge is included in

18 the regular room rate;

19 (ii) by a church or religious organization;

20 (iii) by a school other than an institution of postsecondary

21 education, including sales at a school by a food concessionaire that is under contract

22 with the school or with its designated contract agent, but not including sales at events

23 that are not sponsored by the school or are not educationally related;

24 (iv) to students at an institution of postsecondary education if

25 the food charge is for a meal plan or is included in the regular charge for room and

26 board; or

27 (v) by a nonprofit food vendor if there are no facilities for food

28 consumption on the premises, unless the food is sold within an enclosure for which a

29 charge is made for admission;

30 (2) if the proceeds of the sale are used to support a bona fide

nationally organized and recognized organization of veterans of the armed forces of the

1 United States or auxiliary of the organization or 1 of its units, a sale of food or meals
2 for consumption only on the premises, served by the organization or auxiliary; [or]

3 (3) if the proceeds of the sale are used to support a volunteer fire
4 company or department or its auxiliary or a volunteer ambulance company or rescue
5 squad or its auxiliary, a sale of food served by the company, department, squad, or
6 auxiliary; **OR**

7 (4) **A SALE OF FOOD, BOTTLED WATER, SOFT DRINK OR**
8 **CARBONATED BEVERAGE, OR CANDY OR CONFECTIONERY BY A NONPROFIT**
9 **FOOD VENDOR AT A YOUTH SPORTING EVENT FOR INDIVIDUALS UNDER THE AGE**
10 **OF 18 YEARS IF THERE ARE NO FACILITIES FOR FOOD CONSUMPTION ON THE**
11 **PREMISES, UNLESS THE SALE IS WITHIN AN ENCLOSURE FOR WHICH A CHARGE**
12 **IS MADE FOR ADMISSION.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2011.