
HOUSE BILL 2970

State of Washington

55th Legislature

1998 Regular Session

By Representative Smith

Read first time . Referred to Committee on .

1 AN ACT Relating to exempting dietary supplements from sales and use
2 tax; and amending RCW 82.08.0293 and 82.12.0293.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 82.08.0293 and 1988 c 103 s 1 are each amended to read
5 as follows:

6 (1) The tax levied by RCW 82.08.020 shall not apply to sales of
7 food products for human consumption.

8 "Food products" include cereals and cereal products, oleomargarine,
9 meat and meat products including livestock sold for personal
10 consumption, fish and fish products, eggs and egg products, vegetables
11 and vegetable products, fruit and fruit products, spices and salt,
12 sugar and sugar products, coffee and coffee substitutes, tea, cocoa and
13 cocoa products.

14 "Food products" include milk and milk products, milk shakes, malted
15 milks, and any other similar type beverages which are composed at least
16 in part of milk or a milk product and which require the use of milk or
17 a milk product in their preparation.

1 "Food products" include all fruit juices, vegetable juices, and
2 other beverages except bottled water, spirituous, malt or vinous
3 liquors or carbonated beverages, whether liquid or frozen.

4 "Food products" (~~do not~~) include (~~medicines and preparations in~~
5 ~~liquid, powdered, granular, tablet, capsule, lozenge, and pill form~~
6 ~~sold as dietary supplements or adjuncts~~) dietary supplements as
7 defined in the federal dietary supplement and health education act.

8 (2) The exemption of "food products" provided for in subsection (1)
9 of this section shall not apply: (a) When the food products are
10 ordinarily sold for immediate consumption on or near a location at
11 which parking facilities are provided primarily for the use of patrons
12 in consuming the products purchased at the location, even though such
13 products are sold on a "takeout" or "to go" order and are actually
14 packaged or wrapped and taken from the premises of the retailer, or (b)
15 when the food products are sold for consumption within a place, the
16 entrance to which is subject to an admission charge, except for
17 national and state parks and monuments, or (c) to a food product, when
18 sold by the retail vendor, which by law must be handled on the vendor's
19 premises by a person with a food and beverage service worker's permit
20 under RCW 69.06.010, including but not be limited to sandwiches
21 prepared or chicken cooked on the premises, deli trays, home-delivered
22 pizzas or meals, and salad bars but excluding:

23 (i) Raw meat prepared by persons who slaughter animals, including
24 fish and fowl, or dress or wrap slaughtered raw meat such as fish
25 mongers, butchers, or meat wrappers;

26 (ii) Meat and cheese sliced and/or wrapped, in any quantity
27 determined by the buyer, sold by vendors such as meat markets,
28 delicatessens, and grocery stores;

29 (iii) Bakeries which only sell baked goods;

30 (iv) Combination bakery businesses, as prescribed by rule of the
31 department, to the extent that sales of baked goods are separately
32 accounted for and the baked goods claimed for exemption are not sold as
33 part of meals or with beverages in unsealed containers; or

34 (v) Bulk food products sold from bins or barrels, including but not
35 limited to flour, fruits, vegetables, sugar, salt, candy, chips, and
36 cocoa.

37 (3) Notwithstanding anything in this section to the contrary, the
38 exemption of "food products" provided in this section shall apply to
39 food products which are furnished, prepared, or served as meals:

1 (a) Under a state administered nutrition program for the aged as
2 provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW
3 74.38.040(6); or

4 (b) Which are provided to senior citizens, disabled persons, or
5 low-income persons by a not-for-profit organization organized under
6 chapter 24.03 or 24.12 RCW.

7 (4) Subsection (1) of this section notwithstanding, the retail sale
8 of food products is subject to sales tax under RCW 82.08.020 if the
9 food products are sold through a vending machine, and in this case the
10 selling price for purposes of RCW 82.08.020 is fifty-seven percent of
11 the gross receipts.

12 This subsection does not apply to hot prepared food products, other
13 than food products which are heated after they have been dispensed from
14 the vending machine.

15 For tax collected under this subsection, the requirements that the
16 tax be collected from the buyer and that the amount of tax be stated as
17 a separate item are waived.

18 **Sec. 2.** RCW 82.12.0293 and 1988 c 103 s 2 are each amended to read
19 as follows:

20 (1) The provisions of this chapter shall not apply in respect to
21 the use of food products for human consumption.

22 "Food products" include cereals and cereal products, oleomargarine,
23 meat and meat products including livestock sold for personal
24 consumption, fish and fish products, eggs and egg products, vegetables
25 and vegetable products, fruit and fruit products, spices and salt,
26 sugar and sugar products, coffee and coffee substitutes, tea, cocoa and
27 cocoa products.

28 "Food products" include milk and milk products, milk shakes, malted
29 milks, and any other similar type beverages which are composed at least
30 in part of milk or a milk product and which require the use of milk or
31 a milk product in their preparation.

32 "Food products" include all fruit juices, vegetable juices, and
33 other beverages except bottled water, spirituous, malt or vinous
34 liquors or carbonated beverages, whether liquid or frozen.

35 "Food products" (~~do not~~) include (~~medicines and preparations in~~
36 ~~liquid, powdered, granular, tablet, capsule, lozenge, and pill form~~
37 ~~sold as dietary supplements or adjuncts~~) dietary supplements as
38 defined in the federal dietary supplement and health education act.

1 (2) The exemption of "food products" provided for in subsection (1)
2 of this section shall not apply: (a) When the food products are
3 ordinarily sold for immediate consumption on or near a location at
4 which parking facilities are provided primarily for the use of patrons
5 in consuming the products purchased at the location, even though such
6 products are sold on a "takeout" or "to go" order and are actually
7 packaged or wrapped and taken from the premises of the retailer, or (b)
8 when the food products are sold for consumption within a place, the
9 entrance to which is subject to an admission charge, except for
10 national and state parks and monuments, or (c) to a food product, when
11 sold by the retail vendor, which by law must be handled on the vendor's
12 premises by a person with a food and beverage service worker's permit
13 under RCW 69.06.010, including but not be limited to sandwiches
14 prepared or chicken cooked on the premises, deli trays, home-delivered
15 pizzas or meals, and salad bars but excluding:

16 (i) Raw meat prepared by persons who slaughter animals, including
17 fish and fowl, or dress or wrap slaughtered raw meat such as fish
18 mongers, butchers, or meat wrappers;

19 (ii) Meat and cheese sliced and/or wrapped, in any quantity
20 determined by the buyer, sold by vendors such as meat markets,
21 delicatessens, and grocery stores;

22 (iii) Bakeries which only sell baked goods;

23 (iv) Combination bakery businesses, as prescribed by rule of the
24 department, to the extent that sales of baked goods are separately
25 accounted for and the baked goods claimed for exemption are not sold as
26 part of meals or with beverages in unsealed containers; or

27 (v) Bulk food products sold from bins or barrels, including but not
28 limited to flour, fruits, vegetables, sugar, salt, candy, chips, and
29 cocoa.

30 (3) Notwithstanding anything in this section to the contrary, the
31 exemption of "food products" provided in this section shall apply to
32 food products which are furnished, prepared, or served as meals:

33 (a) Under a state administered nutrition program for the aged as
34 provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW
35 74.38.040(6); or

1 (b) Which are provided to senior citizens, disabled persons, or
2 low-income persons by a not-for-profit organization organized under
3 chapter 24.03 or 24.12 RCW.

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