



A Proclamation by the Governor

WHEREAS, under the provisions of Article II, Section 1 of the Constitution of the State of Washington, there was submitted to the electorate of the State of Washington for their approval or rejection at the state general election held on the 6th day of November, 2018, an initiative to the people, identified as Initiative Measure No. 1634 and entitled:

Initiative Measure No. 1634 concerns taxation of certain items intended for human consumption.

This measure would prohibit new or increased local taxes, fees, or assessments on raw or processed foods or beverages (with exceptions), or ingredients thereof, unless effective by January 15, 2018, or generally applicable.

WHEREAS, Kim Wyman, as Secretary of State, has on the 4th day of December, 2018, canvassed the votes cast on this measure at the state general election and certified that 1,721,487 votes were cast in favor of Initiative Measure No. 1634 and 1,359,240 votes were cast against Initiative Measure No. 1634; and

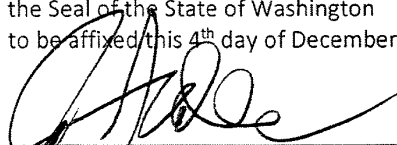
WHEREAS, as appears from this certification, a majority of the votes cast on this proposition at the state general election were in favor of its adoption;

NOW, THEREFORE, I, Jay Inslee, Governor of the State of Washington, do hereby proclaim that the proposed law as set forth in Initiative Measure No. 1634 was approved by the voters of the State of Washington.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed this 4th day of December, 2018.


Jay Inslee
Governor


Kim Wyman
Secretary of State

INITIATIVE 1634

To the People

Chapter 2, Laws of 2019

LOCAL GOVERNMENT TAXATION OF FOODS AND BEVERAGES

EFFECTIVE DATE: December 6, 2018

Approved by the
People of the State of Washington
in the General Election on
November 6, 2018

ORIGINALLY FILED

March 26, 2018

Secretary of State

1 AN ACT Relating to the taxation of groceries; and adding a new
2 chapter to Title 82 RCW.

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

4 NEW SECTION. **Sec. 1.** SHORT TITLE. This chapter may be known and
5 cited as the "keep groceries affordable act of 2018."

6 NEW SECTION. **Sec. 2.** KEEPING GROCERIES AFFORDABLE: FINDINGS AND
7 DECLARATIONS. (1) Whereas access to food is a basic human need of
8 every Washingtonian; and

9 (2) Whereas keeping the price of groceries as low as possible
10 improves the access to food for all Washingtonians; and

11 (3) Whereas taxing groceries is regressive and hurts low- and
12 fixed-income Washingtonians the most; and

13 (4) Whereas working families in Washington pay a greater share of
14 their family income in state and local taxes than their wealthier
15 counterparts; now, therefore,

16 (5) The people of the state of Washington find and declare that
17 no local governmental entity may impose any new tax, fee, or other
18 assessment that targets grocery items.

19 NEW SECTION. **Sec. 3.** DEFINITIONS. For purposes of this chapter:

1 (1) "Alcoholic beverages" has the same meaning as provided in RCW
2 82.08.0293.

3 (2) "Groceries" means any raw or processed food or beverage, or
4 any ingredient thereof, intended for human consumption except
5 alcoholic beverages, marijuana products, and tobacco. "Groceries"
6 includes, but is not limited to, meat, poultry, fish, fruits,
7 vegetables, grains, bread, milk, cheese and other dairy products,
8 nonalcoholic beverages, kombucha with less than 0.5% alcohol by
9 volume, condiments, spices, cereals, seasonings, leavening agents,
10 eggs, cocoa, teas, and coffees whether raw or processed.

11 (3) "Local governmental entity" has the same meaning as provided
12 in RCW 4.96.010.

13 (4) "Marijuana products" has the same meaning as provided in RCW
14 69.50.101.

15 (5) "Tax, fee, or other assessment on groceries" includes, but is
16 not limited to, a sales tax, gross receipts tax, business and
17 occupation tax, business license tax, excise tax, privilege tax, or
18 any other similar levy, charge, or exaction of any kind on groceries
19 or the manufacture, distribution, sale, possession, ownership,
20 transfer, transportation, container, use, or consumption thereof.

21 (6) "Tobacco" has the same meaning as provided in RCW 82.08.0293.

22 NEW SECTION. **Sec. 4.** KEEPING GROCERIES TAX FREE—PROTECTING
23 TRADITIONAL LOCAL REVENUE STREAMS—CONTINUED AUTHORITY.
24 Notwithstanding any other law to the contrary:

25 (1) Except as provided in subsections (2) through (4) of this
26 section, a local governmental entity may not impose or collect any
27 tax, fee, or other assessment on groceries.

28 (2) Nothing in this section precludes the continued collection of
29 any existing tax, fee, or other assessment on groceries as is in
30 effect as of January 15, 2018; but no existing tax, fee, or other
31 assessment on groceries may be increased in rate, scope, base, or
32 otherwise after January 15, 2018, except as provided in subsections
33 (3) and (4) of this section.

34 (3) Nothing in this section prohibits the imposition and
35 collection of a tax, fee, or other assessment on groceries if:

36 (a) The tax, fee, or other assessment is generally applicable to
37 a broad range of businesses and business activity; and

38 (b) The tax, fee, or other assessment does not establish or rely
39 on a classification related to or involving groceries or a subset of

1 groceries for purposes of establishing or otherwise resulting in a
2 higher tax rate due to such classification.

3 (4) Nothing in this section prohibits the imposition and
4 collection of a local retail sales and use tax pursuant to RCW
5 82.14.030 on those persons taxable by the state under chapters 82.08
6 and 82.12 RCW.

7 NEW SECTION. **Sec. 5.** IMPLEMENTATION. Notwithstanding any other
8 law to the contrary:

9 (1) This chapter applies to any tax, fee, or other assessment on
10 groceries first imposed, increased, or collected by a local
11 governmental entity on or after January 15, 2018.

12 (2) The provisions of this chapter are to be construed liberally
13 so as to effectuate their intent, policy, and purposes.

14 NEW SECTION. **Sec. 6.** SEVERABILITY. (1) If any provision of this
15 act or its application to any person or circumstance is held invalid,
16 the remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 (2) The people of the state of Washington hereby declare that
19 they would have adopted this chapter, and each and every portion,
20 section, subsection, clause, sentence, phrase, word, and application
21 not declared invalid or unconstitutional without regard to whether
22 any portion of this chapter, or application thereof, would be
23 subsequently declared invalid.

24 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act
25 constitute a new chapter in Title 82 RCW.