
HOUSE BILL 1484

State of Washington

58th Legislature

2003 Regular Session

By Representatives Sullivan and Bailey

Read first time 01/28/2003. Referred to Committee on Finance.

1 AN ACT Relating to the excise tax treatment of confectioneries;
2 amending RCW 82.08.0293 and 82.12.0293; providing an effective date;
3 and declaring an emergency.

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

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

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

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

15 "Food products" include milk and milk products, milk shakes, malted
16 milks, and any other similar type beverages which are composed at least
17 in part of milk or a milk product and which require the use of milk or
18 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.

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

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

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

28 (iii) Bakeries which only sell baked goods;

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

33 (v) Confectioneries which only sell confections;

34 (vi) Combination confectionery businesses, as prescribed by rule of
35 the department, to the extent that sales of confections are separately
36 accounted for and the confections claimed for exemption are not sold as
37 part of meals or with beverages in unsealed containers; or

1 (vii) Bulk food products sold from bins or barrels, including but
2 not limited to flour, fruits, vegetables, sugar, salt, candy, chips,
3 and cocoa.

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

7 (a) Under a state administered nutrition program for the aged as
8 provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW
9 74.38.040(6); or

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

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

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

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

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

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

28 "Food products" include cereals and cereal products, oleomargarine,
29 meat and meat products including livestock sold for personal
30 consumption, fish and fish products, eggs and egg products, vegetables
31 and vegetable products, fruit and fruit products, spices and salt,
32 sugar and sugar products, coffee and coffee substitutes, tea, cocoa and
33 cocoa products.

34 "Food products" include milk and milk products, milk shakes, malted
35 milks, and any other similar type beverages which are composed at least
36 in part of milk or a milk product and which require the use of milk or
37 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.

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

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

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

28 (iii) Bakeries which only sell baked goods;

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

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35 the department, to the extent that sales of confections are separately
36 accounted for and the confections claimed for exemption are not sold as
37 part of meals or with beverages in unsealed containers; or

1 (vii) Bulk food products sold from bins or barrels, including but
2 not limited to flour, fruits, vegetables, sugar, salt, candy, chips,
3 and cocoa.

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

7 (a) Under a state administered nutrition program for the aged as
8 provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW
9 74.38.040(6); or

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

13 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and takes effect
16 July 1, 2003.

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