

By: Smith of Tarrant

H.B. No. 390

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an exemption from the sales and use tax for food sold
3 during certain athletic events.

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

5 SECTION 1. Section 151.314(d), Tax Code, is amended to read
6 as follows:

7 (d) Food products, meals, soft drinks, and candy for human
8 consumption are exempted from the taxes imposed by this chapter if:

9 (1) served by a public or private school, school
10 district, student organization, or parent-teacher association
11 under an agreement with the proper school authorities in an
12 elementary or secondary school during the regular school day or by a
13 parent-teacher association during a fund-raising sale the proceeds
14 of which do not benefit an individual;

15 (2) sold by a church or at a function of a church;

16 (3) served to a patient or inmate of a hospital or
17 other institution licensed by the state for the care of humans; ~~or~~

18 (4) served to a permanent resident of a retirement
19 facility which provides permanent housing and residence to
20 individuals, a majority of whom are 60 years or older; or

21 (5) sold by a concession stand operated by a temporary
22 or permanent school district employee at an athletic event
23 sponsored or sanctioned by the school district.

24 SECTION 2. This Act takes effect immediately if it receives

H.B. No. 390

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2005.