

By: Smith of Tarrant

H.B. No. 150

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the application of the sales and use tax to the sale of
3 certain food products sold at school 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 during an event sponsored or sanctioned by a
22 school district at a concession stand operated by a temporary or
23 permanent school employee or a volunteer, but only if the proceeds
24 from the sales benefit the district.

1 SECTION 2. The change in law made by this Act does not
2 affect tax liability accruing before the effective date of this
3 Act. That liability continues in effect as if this Act had not been
4 enacted, and the former law is continued in effect for the
5 collection of taxes due and for civil and criminal enforcement of
6 the liability for those taxes.

7 SECTION 3. This Act takes effect September 1, 2009.