

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2049 Session of
1986

INTRODUCED BY LLOYD, TRELLO, KUKOVICH, BATTISTO, REINARD,
KASUNIC, NOYE, PISTELLA, GEIST, SEVENTY, BALDWIN, COY,
SHOWERS, HALUSKA, DEAL, CIVERA, MAYERNIK, PRESSMANN, RAYMOND,
CALTAGIRONE, FOX, OLASZ, MORRIS, CARLSON, VAN HORNE, BELARDI,
VEON, LINTON, HOWLETT, E. Z. TAYLOR AND RICHARDSON,
JANUARY 28, 1986

REFERRED TO COMMITTEE ON FINANCE, JANUARY 28, 1986

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
2 act relating to tax reform and State taxation by codifying
3 and enumerating certain subjects of taxation and imposing
4 taxes thereon; providing procedures for the payment,
5 collection, administration and enforcement thereof; providing
6 for tax credits in certain cases; conferring powers and
7 imposing duties upon the Department of Revenue, certain
8 employers, fiduciaries, individuals, persons, corporations
9 and other entities; prescribing crimes, offenses and
10 penalties," excluding tax on food and beverages sold at
11 nonprofit athletic events.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 204(29) of the act of March 4, 1971
15 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended
16 to read:

17 Section 204. Exclusions from Tax.--The tax imposed by
18 section 202 shall not be imposed upon

19 * * *

20 (29) The sale at retail or use of food and beverages for

1 human consumption including candy, gum and similar confections,
2 except that this exclusion shall not apply with respect to--
3 (i) Soft drinks;
4 (ii) Malt and brewed beverages and spirituous and vinous
5 liquors;
6 (iii) Food and beverages (except when purchased at, or from
7 a school or church in the ordinary course of activities of such
8 organization and except when purchased from a nonprofit
9 organization at the site of an athletic event sponsored by that
10 nonprofit organization, provided that the nonprofit organization
11 is not in direct competition at that site with a profit-making
12 entity) when the purchase price of the total transaction is more
13 than ten cents (10¢), when purchased (i) from persons engaged in
14 the business of catering, or (ii) from persons engaged in the
15 business of operating restaurants, cafes, lunch counters,
16 private and social clubs, taverns, dining cars, hotels and other
17 eating places. For the purpose of this subclause (iii),
18 beverages shall not include malt and brewed beverages and
19 spirituous and vinous liquors, but shall include soft drinks,
20 and the price of such soft drinks shall be considered together
21 with the price of other beverages and food in determining
22 whether the purchase price of the total transaction is more than
23 ten cents (10¢).

24 * * *

25 Section 2. This act shall take effect in 60 days.