

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 283 Session of 1989

INTRODUCED BY TRELLO, VROON, PETRONE, PISTELLA, VAN HORNE, BUNT, KENNEY, COWELL, SCHULER, LETTERMAN, ROBINSON, VEON, BOYES, MORRIS, DOMBROWSKI, GIGLIOTTI, LaGROTTA, PERZEL, CAWLEY, GODSHALL, LASHINGER, SERAFINI, E. Z. TAYLOR, SEMMEL, DALEY, STABACK, MERRY, GEIST, NOYE, COLAIZZO, PETRARCA, GRUPPO AND REBER, FEBRUARY 7, 1989

REFERRED TO COMMITTEE ON FINANCE, FEBRUARY 7, 1989

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," further providing for exclusions from sales tax
 11 relating to food and beverages.

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) when the purchase price of the total transaction
9 is more than ten cents (10¢), when purchased (i) from persons
10 engaged in the business of catering, or (ii) from persons
11 engaged in the business of operating restaurants, cafes, lunch
12 counters, private and social clubs, taverns, dining cars, hotels
13 and other eating places. For the purpose of this subclause
14 (iii), beverages shall not include malt and brewed beverages and
15 spirituous and vinous liquors, but shall include soft drinks,
16 and the price of such soft drinks shall be considered together
17 with the price of other beverages and food in determining
18 whether the purchase price of the total transaction is more than
19 ten cents (10¢). The sale at retail or use of food and beverages
20 for human consumption which (food and beverages) are exempt from
21 taxation when sold in convenience stores and supermarkets is
22 exempt from taxation when sold through vending machines in the
23 same form, condition and quantity as are sold in convenience
24 stores and supermarkets.

25 * * *

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