

Short Ballot Title

Initiative Adding A New Section To The Idaho Code Exempting Certain Food Products From Sales Tax

Long Ballot Title

An initiative adding a new section to Idaho Code exempting certain foods from sales tax; providing that alcoholic beverages, tobacco, hot foods, and hot food products prepared for immediate consumption shall not be exempted; providing food products served pursuant conditions, "Take-Out" or "To-Go" food products, and food products sold within a place subject to and admission fee, except national and state parks and monuments shall not be exempted; providing sales tax applied to food products sold through vending machine; and providing requirements that tax be collected from buyer and stated as separate item in vending machine sales are waived.

Text of Initiative

Be it enacted by the People of the State of Idaho:

Section 1. That the new Section 63-362200 be added as follows:

63-362200. FOOD PRODUCTS FOR HUMAN CONSUMPTION. (1) There is exempted from taxes imposed by this chapter the sale of any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption.

The exemption of "food products" provided for in this paragraph shall not apply: (i) When the food products are furnished, prepared or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare or serve food products to others, except for food products furnished as meals under a state administered nutrition program for the aged as provided for in the Older American Act, P.L. 95-478 Title III; or (ii) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer; or (iii) when food products are sold for consumption within a place, the entrance of which is subject to an admission charge, except for national and state parks and monuments.

(2) Paragraph (1) of this subsection notwithstanding, the retail sale of food products is subject to sales tax if the food products are sold through a vending machine. This paragraph does not apply to hot prepared food products other than food products which are heated after they have been dispensed from the vending machine. For tax collected under this paragraph, the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.