

PO Box 1904
Boise, ID , 83701
Phone: 208-513-5150
email: joseph.r.evans@gmail.com

Monday, April 17th, 2026

MAR 17 '25 AM 8:36
IDAHO SECRETARY OF STATE

Honorable Phil McGrane
Secretary of State
700 W Jefferson St.
Boise, ID 83720

Honorable Phil McGrane:

My name is Joseph Evans, I am the Chief Petitioner for the Tax Free Food Initiative.

Thank you for your time and consideration on this issue. I am familiar with the process and procedures and have worked with your office on other initiatives in the past.

With Care,



Joseph Evans
208-513-5150

REQUESTED TITLE:
TAX FREE GROCERIES

APR 21 '25 AM 9:29
IDAHO SECRETARY OF STATE

Be it enacted by the People of Idaho:

SECTION 1. That Title 63 Chapter 36, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as **Section 63-6322** and to read as follows: **63-3622H. FOOD FOR HUMAN CONSUMPTION.** (1) There is hereby exempted from the sales and use taxes imposed by this chapter the sale of food sold for human consumption. As used in this section, "food" shall have the same definition as provided in 7 U.S.C. 2012 as that section existed on January 1, 2027. The types and kinds of food products eligible for exemption by this section shall be the same types and kinds of food products that are eligible for purchase with benefits provided under the Federal Supplemental Nutrition Assistance Program (SNAP) and do not include restaurant sales of food, food sold in a heated state or heated by a seller, two (2) or more food ingredients mixed or combined by a seller for a single sale, or food sold with an eating utensil provided by the seller such as a plate, knife, fork, spoon, glass, cup, napkin, or straw. (2) This Section shall not take precedence over Idaho Code Section 63-3622J - School, church and senior citizen meals nor section 63-3622FF - Purchases made with SNAP benefit cards.

SECTION 2. That Title 63 Chapter 30, Idaho Code, be, and the same is hereby amended by the repeal thereto of **SECTION 63-3024A. FOOD TAX CREDITS AND REFUNDS.** In full.

SECTION 3. This initiative shall be in full force and effect on and after January 1, 2027.



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
RAÚL R. LABRADOR

May 5, 2025

VIA HAND DELIVERY

The Honorable Phil McGrane
Idaho Secretary of State
Statehouse

RE: Ballot Titles
Proposed Initiative for Adding a New Section to Title 63, Idaho Code,
Relating to Tax-Free Groceries.

Dear Secretary of State McGrane:

An initiative petition was filed on April 17, 2025, proposing to amend title 63 of the Idaho Code. Pursuant to Idaho Code § 34-1809, this office reviewed the petition and provided advisory comments and a certificate of review. Thereafter, the petitioners made changes to their proposed initiative and re-submitted it requesting the assignment of ballot titles. In accordance with § 34-1809, this office must, within ten (10) working days, provide ballot titles for the measure, one short and one general (long) title. The short title—not exceeding twenty (20) words—shall be a distinctive title by which the measure is commonly referred to or spoken of. The general (long) title—not exceeding two hundred (200) words—shall express the purpose of the measure. The ballot titles should give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be intentionally an argument or likely to create prejudice either for or against the measure. This letter therefore provides both the short and long ballot titles below, in accordance with Idaho Code § 34-1809. Any person dissatisfied with a ballot title provided herein may appeal to the supreme court by petition, praying for a different title and setting forth the reason why the title is insufficient or unfair.

BALLOT TITLES

I. Short Ballot Title

Measure exempting from state sales and use taxes food sold for human consumption and replacing the existing Idaho Grocery Credit.

II. Long Ballot Title

The measure seeks to remove sales and use taxes on food purchases by replacing the current grocery credit with an exemption from sales and use taxes on "food sold for human consumption." "Food" is defined in the proposed initiative by reference to the "types and kinds of food products that are eligible for purchase with benefits provided under the Federal Supplemental Nutrition Assistance Program (SNAP)." This would include most standard food items and exclude alcohol, tobacco, and "restaurant sales of food."

It also replaces the grocery credit and refund by repealing Idaho Code, Section 63-3024A (FOOD TAX CREDITS AND REFUNDS), referred to by the Idaho State Tax Commission as the "Idaho Grocery Credit."

CERTIFICATION

I HEREBY CERTIFY that the above ballot title provides an impartial statement of purpose for the enclosed measure and satisfies the requirements of Idaho Code § 34-1809.

Sincerely,



RAÚL R. LABRADOR
Attorney General

FUNDING SOURCE STATEMENT FOR THE TAX FREE FOOD INITIATIVE

Implementation of the Tax Free Food Initiative will not require the expenditure of state or local funds beyond normal expenses associated with the initiative process. The state general fund and the Tax Commission may see cost savings due to a reduction in processing the Grocery Tax Refund. It is proposed that these expenses be funded by use or augmentation of existing state expenditures.

MAR 18 '25 PM4:02
IDAHO SECRETARY OF STATE

Tax Free Food Initiative

APR 15 '25 PM3:52
IDAHO SECRETARY OF STATE

100 Word Summary

The ballot initiative would add a new Idaho Statute section, §63-3622H, exempting the sale of food for human consumption from the sales and use tax. This would apply both to unprepared food, such as food bought at a grocery store, and prepared food, such as meals bought at restaurants. Both are food sold for human consumption.

Data indicates that 19% to 20.25% of sales tax revenue is from food sold for human consumption. Therefore, for the year 2027, under the current forecast, this initiative would result in a decrease of net sales tax revenue totaling \$708 m to \$752 m.

Detailed Statement of Fiscal Impact Including Assumptions

Assumption

Consumer data from Utah and the Western US is indicative for Idaho consumer behavior regarding food for human consumption.

Discussion

Sales tax data on food sold at grocery stores (or other retail stores selling food to consumers) is not available from tax data in Idaho; Idaho Statute does not require retailers to report food item sales or any other specific items sold at grocery stores. Similarly, data on food sold at restaurants is not available from Idaho tax data; this is also because Idaho Statute does not require reporting of food sold from restaurants (or other retailers or venues selling prepared foods to consumers).

Consequently, proxies are used; the primary proxy is provided by Utah, which has a separate tax rate on food groceries. Utah has statistics available on food groceries sales, as well as aggregate retail sales. Typically, groceries amount to 11–13% of all sales. The most recent four quarters place this at 11.25% of all sales.

Two other proxies are used for restaurants sales; both come from inflation measures prepared by federal agencies. They are: (1) the consumer price index weights for the Western US concerning food at home and food away from home, and (2) the personal consumption expenditures data for Idaho on food and non-alcoholic beverages purchased for off-premise consumption as well as food services. These give the other 7.75–9.00%.

The forecast for net sales tax used in this analysis is updated at least twice per year. The actual amount of the impact (in millions of dollars) could vary from the range listed in the 100 word summary.

Note

The ballot initiative does not alter the Idaho Statute section, [§63-3024A](#), which allows the Food Tax Credit, a credit for individual income taxes, and provides the opportunity to donate that credit to the Cooperative Welfare Fund. 2023 summary data indicates \$191 m in Food Tax Credits disbursed to individuals filing income tax return using Idaho Form-40. The 2025 Idaho Legislature amended the Food Tax Credit, via [House Bill 231](#), increasing the Food Tax Credit amount allowed per individual for years 2025 onward.