

## Chapter 364

(House Bill 823)

AN ACT concerning

### **Sales and Use Tax – Nonprofit Food Vendors – Youth Sporting Events and 4-H Youth Events**

FOR the purpose of providing an exemption from the sales and use tax for sales of food, bottled water, soft drinks or carbonated beverages, and candy or confectionery by a nonprofit food vendor at a youth sporting event or 4-H youth event under certain circumstances; and generally relating to a sales and use tax exemption for sales of certain items by a nonprofit food vendor at a youth sporting event or 4-H youth event.

BY repealing and reenacting, without amendments,

Article – Tax – General  
Section 11–206(a)(4)  
Annotated Code of Maryland  
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Tax – General  
Section 11–206(d)  
Annotated Code of Maryland  
(2010 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Tax – General**

11–206.

- (a) (4) (i) “Food” means food for human consumption.
- (ii) “Food” includes the following foods and their products:
1. beverages, including coffee, coffee substitutes, cocoa, fruit juices, and tea;
  2. condiments;
  3. eggs;

4. fish, meat, and poultry;
5. fruit, grain, and vegetables;
6. milk, including ice cream; and
7. sugar.

(iii) “Food” does not include:

1. an alcoholic beverage as defined in § 5–101 of this article;

2. a soft drink or carbonated beverage; or

3. candy or confectionery.

(d) The sales and use tax does not apply to:

(1) a sale of food:

(i) to patients in a hospital when the food charge is included in the regular room rate;

(ii) by a church or religious organization;

(iii) by a school other than an institution of postsecondary education, including sales at a school by a food concessionaire that is under contract with the school or with its designated contract agent, but not including sales at events that are not sponsored by the school or are not educationally related;

(iv) to students at an institution of postsecondary education if the food charge is for a meal plan or is included in the regular charge for room and board; or

(v) by a nonprofit food vendor if there are no facilities for food consumption on the premises, unless the food is sold within an enclosure for which a charge is made for admission;

(2) if the proceeds of the sale are used to support a bona fide nationally organized and recognized organization of veterans of the armed forces of the United States or auxiliary of the organization or 1 of its units, a sale of food or meals for consumption only on the premises, served by the organization or auxiliary; [or]

(3) if the proceeds of the sale are used to support a volunteer fire company or department or its auxiliary or a volunteer ambulance company or rescue squad or its auxiliary, a sale of food served by the company, department, squad, or auxiliary; **OR**

**(4) A SALE OF FOOD, BOTTLED WATER, SOFT DRINK OR CARBONATED BEVERAGE, OR CANDY OR CONFECTIONERY BY A NONPROFIT FOOD VENDOR AT A YOUTH SPORTING EVENT OR 4-H YOUTH EVENT FOR INDIVIDUALS UNDER THE AGE OF 18 YEARS IF THERE ARE NO FACILITIES FOR FOOD CONSUMPTION ON THE PREMISES, UNLESS THE SALE IS WITHIN AN ENCLOSURE FOR WHICH A CHARGE IS MADE FOR ADMISSION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

**Approved by the Governor, May 10, 2011.**