

Regular Session, 2011

SENATE BILL NO. 21

BY SENATOR RISER

TAX/SALES. Grants a state tax exemption for water, mineral water, carbonated water, and flavored water sold in bottles, jugs, or containers for home consumption. (10/1/11)

1 AN ACT

2 To amend and reenact R.S. 47:305(D)(1)(c) and (p), relative to exemptions from the sales
3 and use taxes of the state; to provide an exemption for certain water; and to provide
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 47:305(D)(1)(c) and (p) are hereby amended and reenacted to read
7 as follows:

8 §305. Exclusions and exemptions from the tax

9 * * *

10 D.(1) The sale at retail, the use, the consumption, the distribution, and the
11 storage to be used or consumed in the taxing jurisdiction of the following tangible
12 personal property is hereby specifically exempted from the tax imposed by taxing
13 authorities, except as otherwise provided in this Paragraph:

14 * * *

15 (c) Water (not including mineral water or carbonated water or any water put
16 in bottles, jugs, or containers, all of which are not exempted, **except as provided for**
17 **in R.S. 47:305(D)(1)(p)**).

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(p) Solely for purposes of the state sales and use tax, soft drinks, **water, mineral water, carbonated water and flavored water sold in bottles, jugs, or containers.**

Section 2. This Act shall become effective on October 1, 2011.

The original instrument was prepared by Mary Dozier O'Brien. The following digest, which does not constitute a part of the legislative instrument, was prepared by Riley Boudreaux.

DIGEST

Riser (SB 21)

Present law provides a state and local sales tax exemption for water, but not for mineral water, carbonated water, or water put in bottles, jugs, or containers.

Present law provides an exemption against state tax only for a number of items of "food sold for preparation and consumption in the home" including bakery products, dairy products, fruits and vegetables, package foods requiring further preparation by the purchaser, and soft drinks.

Proposed law adds to the state tax exemption for soft drinks above a state tax exemption for water, mineral water, carbonated water, and flavored water sold in bottles, jugs, or containers.

Effective October 1, 2011.

(Amends R.S. 47:305(D)(1)(c)(p))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill.

1. Removes the exemption from local sales taxes.
2. Adds the exemption to the state tax exemption for items of "food sold for preparation and consumption in the home".
3. Changes the effective date from July 1st to October 1st.