

1 SENATE BILL 232

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Gerald Ortiz y Pino

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10 AN ACT

11 RELATING TO TAXATION; IMPOSING THE GROSS RECEIPTS TAX ON
12 CARBONATED BEVERAGES BY EXCLUDING CARBONATED BEVERAGES FROM THE
13 DEFINITION OF "FOOD" IN THE DEDUCTION FROM GROSS RECEIPTS FOR
14 THE SALE OF FOOD AT A RETAIL FOOD STORE.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 7-9-92 NMSA 1978 (being Laws 2004,
18 Chapter 116, Section 5) is amended to read:

19 "7-9-92. DEDUCTION--GROSS RECEIPTS--SALE OF FOOD AT
20 RETAIL FOOD STORE.--

21 A. Receipts from the sale of food at a retail food
22 store that are not exempt from gross receipts taxation and are
23 not deductible pursuant to another provision of the Gross
24 Receipts and Compensating Tax Act may be deducted from gross
25 receipts. The deduction provided by this section shall be

.206186.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 separately stated by the taxpayer.

2 B. For the purposes of this section:

3 (1) "food" means any food or food product for
4 home consumption that meets the definition of food in 7 USCA
5 ~~[2012(g)(1)]~~ 2012(k)(1) for purposes of the federal ~~[food~~
6 ~~stamp]~~ supplemental nutrition assistance program, except that
7 "food" does not include carbonated beverages; and

8 (2) "retail food store" means an establishment
9 that sells food for home preparation and consumption and that
10 meets the definition of retail food store in 7 USCA
11 ~~[2012(k)(1)]~~ 2012(o)(1) for purposes of the federal ~~[food~~
12 ~~stamp]~~ supplemental nutrition assistance program, whether or
13 not the establishment participates in the ~~[food stamp]~~
14 supplemental nutrition assistance program."

15 SECTION 2. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2017.