
HOUSE BILL 1380

State of Washington

56th Legislature

1999 Regular Session

By Representatives Romero, G. Chandler, Dunshee, Kessler, Morris, Quall, Anderson, Cody, Kenney, Linville and Koster

Read first time 01/22/1999. Referred to Committee on Finance.

1 AN ACT Relating to including bottled drinking water as a food
2 product exempt from sales and use tax; amending RCW 82.08.0293 and
3 82.12.0293; creating a new section; providing an effective date; and
4 declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that many people rely
7 on bottled drinking water as a source of clean and safe water for
8 drinking and cooking. The legislature intends that bottled drinking
9 water intended for human consumption be included within the category of
10 products that are exempt from sales and use tax. Bottled water to
11 which flavoring, minerals, or carbonation have been added shall remain
12 subject to retail sales and use tax.

13 **Sec. 2.** RCW 82.08.0293 and 1988 c 103 s 1 are each amended to read
14 as follows:

15 (1) The tax levied by RCW 82.08.020 shall not apply to sales of
16 food products for human consumption.

17 "Food products" include cereals and cereal products, oleomargarine,
18 meat and meat products including livestock sold for personal

1 consumption, fish and fish products, eggs and egg products, vegetables
2 and vegetable products, fruit and fruit products, spices and salt,
3 sugar and sugar products, coffee and coffee substitutes, tea, cocoa and
4 cocoa products.

5 "Food products" include milk and milk products, milk shakes, malted
6 milks, and any other similar type beverages which are composed at least
7 in part of milk or a milk product and which require the use of milk or
8 a milk product in their preparation.

9 "Food products" include all fruit juices, vegetable juices, bottled
10 drinking water as defined in this section, and other beverages except
11 bottled water products that do not meet the definition of bottled
12 drinking water, spirituous, malt or vinous liquors or carbonated
13 beverages, whether liquid or frozen. "Bottled drinking water" means
14 natural mineral water, spring water, naturally carbonated water,
15 naturally sparkling water, well water, artesian water, drinking water,
16 purified water, and distilled water, as those terms are defined in
17 chapter 69.07 RCW.

18 "Food products" do not include medicines and preparations in
19 liquid, powdered, granular, tablet, capsule, lozenge, and pill form
20 sold as dietary supplements or adjuncts.

21 (2) The exemption of "food products" provided for in subsection (1)
22 of this section shall not apply: (a) When the food products are
23 ordinarily sold for immediate consumption on or near a location at
24 which parking facilities are provided primarily for the use of patrons
25 in consuming the products purchased at the location, even though such
26 products are sold on a "takeout" or "to go" order and are actually
27 packaged or wrapped and taken from the premises of the retailer, or (b)
28 when the food products are sold for consumption within a place, the
29 entrance to which is subject to an admission charge, except for
30 national and state parks and monuments, or (c) to a food product, when
31 sold by the retail vendor, which by law must be handled on the vendor's
32 premises by a person with a food and beverage service worker's permit
33 under RCW 69.06.010, including but not be limited to sandwiches
34 prepared or chicken cooked on the premises, deli trays, home-delivered
35 pizzas or meals, and salad bars but excluding:

36 (i) Raw meat prepared by persons who slaughter animals, including
37 fish and fowl, or dress or wrap slaughtered raw meat such as fish
38 mongers, butchers, or meat wrappers;

1 (ii) Meat and cheese sliced and/or wrapped, in any quantity
2 determined by the buyer, sold by vendors such as meat markets,
3 delicatessens, and grocery stores;

4 (iii) Bakeries which only sell baked goods;

5 (iv) Combination bakery businesses, as prescribed by rule of the
6 department, to the extent that sales of baked goods are separately
7 accounted for and the baked goods claimed for exemption are not sold as
8 part of meals or with beverages in unsealed containers; or

9 (v) Bulk food products sold from bins or barrels, including but not
10 limited to flour, fruits, vegetables, sugar, salt, candy, chips, and
11 cocoa.

12 (3) Notwithstanding anything in this section to the contrary, the
13 exemption of "food products" provided in this section shall apply to
14 food products which are furnished, prepared, or served as meals:

15 (a) Under a state administered nutrition program for the aged as
16 provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW
17 74.38.040(6); or

18 (b) Which are provided to senior citizens, disabled persons, or
19 low-income persons by a not-for-profit organization organized under
20 chapter 24.03 or 24.12 RCW.

21 (4) Subsection (1) of this section notwithstanding, the retail sale
22 of food products is subject to sales tax under RCW 82.08.020 if the
23 food products are sold through a vending machine, and in this case the
24 selling price for purposes of RCW 82.08.020 is fifty-seven percent of
25 the gross receipts.

26 This subsection does not apply to hot prepared food products, other
27 than food products which are heated after they have been dispensed from
28 the vending machine.

29 For tax collected under this subsection, the requirements that the
30 tax be collected from the buyer and that the amount of tax be stated as
31 a separate item are waived.

32 **Sec. 3.** RCW 82.12.0293 and 1988 c 103 s 2 are each amended to read
33 as follows:

34 (1) The provisions of this chapter shall not apply in respect to
35 the use of food products for human consumption.

36 "Food products" include cereals and cereal products, oleomargarine,
37 meat and meat products including livestock sold for personal
38 consumption, fish and fish products, eggs and egg products, vegetables

1 and vegetable products, fruit and fruit products, spices and salt,
2 sugar and sugar products, coffee and coffee substitutes, tea, cocoa and
3 cocoa products.

4 "Food products" include milk and milk products, milk shakes, malted
5 milks, and any other similar type beverages which are composed at least
6 in part of milk or a milk product and which require the use of milk or
7 a milk product in their preparation.

8 "Food products" include all fruit juices, vegetable juices, bottled
9 drinking water as defined in this section, and other beverages except
10 bottled water products that do not meet the definition of bottled
11 drinking water, spirituous, malt or vinous liquors or carbonated
12 beverages, whether liquid or frozen. "Bottled drinking water" means
13 natural mineral water, spring water, naturally carbonated water,
14 naturally sparkling water, well water, artesian water, drinking water,
15 purified water, and distilled water, as those terms are defined in
16 chapter 69.07 RCW.

17 "Food products" do not include medicines and preparations in
18 liquid, powdered, granular, tablet, capsule, lozenge, and pill form
19 sold as dietary supplements or adjuncts.

20 (2) The exemption of "food products" provided for in subsection (1)
21 of this section shall not apply: (a) When the food products are
22 ordinarily sold for immediate consumption on or near a location at
23 which parking facilities are provided primarily for the use of patrons
24 in consuming the products purchased at the location, even though such
25 products are sold on a "takeout" or "to go" order and are actually
26 packaged or wrapped and taken from the premises of the retailer, or (b)
27 when the food products are sold for consumption within a place, the
28 entrance to which is subject to an admission charge, except for
29 national and state parks and monuments, or (c) to a food product, when
30 sold by the retail vendor, which by law must be handled on the vendor's
31 premises by a person with a food and beverage service worker's permit
32 under RCW 69.06.010, including but not be limited to sandwiches
33 prepared or chicken cooked on the premises, deli trays, home-delivered
34 pizzas or meals, and salad bars but excluding:

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36 fish and fowl, or dress or wrap slaughtered raw meat such as fish
37 mongers, butchers, or meat wrappers;

1 (ii) Meat and cheese sliced and/or wrapped, in any quantity
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3 delicatessens, and grocery stores;

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5 (iv) Combination bakery businesses, as prescribed by rule of the
6 department, to the extent that sales of baked goods are separately
7 accounted for and the baked goods claimed for exemption are not sold as
8 part of meals or with beverages in unsealed containers; or

9 (v) Bulk food products sold from bins or barrels, including but not
10 limited to flour, fruits, vegetables, sugar, salt, candy, chips, and
11 cocoa.

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13 exemption of "food products" provided in this section shall apply to
14 food products which are furnished, prepared, or served as meals:

15 (a) Under a state administered nutrition program for the aged as
16 provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW
17 74.38.040(6); or

18 (b) Which are provided to senior citizens, disabled persons, or
19 low-income persons by a not-for-profit organization organized under
20 chapter 24.03 or 24.12 RCW.

21 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and takes effect
24 July 1, 1999.

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