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3 ELLIOTT AMENDMENT TO THE SENATE TOURISM & MARKETING COMMITTEE  
4 SUBSTITUTE FOR SB320

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9 On page 7, delete lines 9 through 11, and insert in  
10 lieu thereof the following:

11 shall be deposited into the Education Trust Fund.

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13 On page 7, after line 11, insert the following new  
14 Section 7 and renumber the subsequent sections accordingly:

15 "Section 7. Grocery Tax.

16 "(a) For the purposes of this section, "food" means  
17 food as defined in 7 U.S.C § 2011, et seq., for the purposes  
18 of the federal Supplemental Nutrition Assistance Program,  
19 excluding candy, sugar and sweets, and ready-to-drink soft  
20 drinks and other beverages, regardless of where or by what  
21 means food is sold. In the event that the federal Supplemental  
22 Nutrition Assistance Program definition is repealed, the  
23 Legislature shall provide a new definition of food by general  
24 law.

25 "(b) (1) For taxable periods beginning on and after  
26 September 1, 2023, the state sales and use tax rate under

1 general law on food shall be 2 percent of the gross receipts  
2 from the sale or use of food.

3 "(2) For taxable periods beginning on and after  
4 September 1, 2024, and every taxable period thereafter, the  
5 state sales and use tax rate shall be 2 percent of the gross  
6 receipts from the sale or use of food, except as follows:

7 "a. If the Finance Director certifies that the  
8 proceeds from the lottery from the prior taxable year were  
9 more than \$297,000,000, but less than \$396,000,000, the sales  
10 and use tax rate shall be 1 percent of the gross receipts from  
11 the sale or use of food.

12 "b. If the Finance Director certifies that the  
13 proceeds from the lottery from the prior taxable year were  
14 \$396,000,000 or more, there shall be no state sales and use  
15 tax on food.

16 "(c) Any local sales and use tax on food in effect  
17 on the effective date of this act may not be increased.