

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

INTRODUCED

LLS NO. 26-0702.01 Robin Bass x2314

HOUSE BILL 26-002

SENATE SPONSORSHIP

Kent, Stimpson

HOUSE SPONSORSHIP

Schneider, Malone, Price, Singleton

House Committees

Not assigned

Senate Committees

Not assigned

A BILL FOR AN ACT

**CONCERNING TAXATION BY EXEMPTING FOOD AND CERTAIN BABY SUPPLIES FROM
STATE SALES AND USE TAX**

Bill Summary

(Note: This summary applies to this bill as engrossed and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill eliminates the state sales and use tax on two categories of essential goods: food for domestic home consumption and defined baby supplies. The bill adopts the existing statutory meaning of “food for domestic home consumption” and creates a clear definition for “baby supplies,” focusing on items primarily intended for the care and nourishment of children under age three. Covered baby supplies explicitly include diapers

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.

Capital letters or bold & italic numbers indicate new material to be added to existing law.

Dashes through the words or numbers indicate deletions from existing law.

(disposable and reusable), baby wipes, infant formula, and baby food marketed for infants and toddlers.

The bill’s legislative declaration frames the exemption as a targeted cost-of-living and public health measure. It asserts that taxing necessities like food and infant-care items disproportionately burdens low- and moderate-income households, who spend a larger share of their income on essentials. By removing state taxation from these goods, the act aims to improve access to adequate nutrition and basic infant care, especially for families with young children and individuals on fixed or limited incomes, while emphasizing that the policy is meant to remain narrow and not expand into luxury or discretionary products.

Operationally, the exemption applies only to the state sales tax and state use tax beginning on the effective date. The measure explicitly preserves local control by stating that it does not require counties, municipalities, or other political subdivisions to exempt the same items from locally imposed sales or use taxes. In other words, the state portion is removed automatically, but local taxes may still apply unless a local government chooses to change its own tax code.

To ensure consistent administration, the bill authorizes the Department of Revenue to adopt rules to implement and enforce the exemptions, including clarifying eligible items and preventing abuse. The act takes effect after the standard post-adjournment period, but—if a veto petition is filed under Article II, Section 15 against the act or any part of it—implementation is delayed unless voters approve it at the November 2027 general election, in which case it becomes effective upon the Governor’s official declaration of the vote.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 **SECTION 1. SHORT TITLE.** This act shall be known and cited
4 as the “No Sales Tax on Food Act”. **SECTION 2.**
5 **DEFINITIONS.** As used in this section, unless the context
6 otherwise requires: (a) “Baby supplies” means tangible personal
7 property primarily intended for the care, nourishment, hygiene, or

1 safety of infants and toddlers under three years of age. (b) “Baby
2 supplies” includes, but is not limited to: (I) Diapers, including
3 disposable and reusable diapers. (II) Baby wipes; (III) Infant
4 formula; (IV) Baby food, including prepared foods specifically
5 marketed for infants and toddlers. (c) “Food for domestic home
6 consumption” has the same meaning as set forth in section
7 39-26-102. **SECTION 3. LEGISLATIVE DECLARATION** The
8 general assembly hereby finds and declares that: (a) Access to
9 food and essential baby supplies is a basic necessity for the health,
10 dignity, and well-being of residents of the state, particularly for
11 families with young children and individuals living on fixed or
12 limited incomes. (b) Sales and use taxes applied to food and baby
13 supplies disproportionately burden low- and moderate-income
14 households, as these households spend a greater share of their
15 income on necessities than higher-income households. (c)
16 Exempting food for domestic home consumption and essential
17 baby supplies from the state sales and use tax promotes economic
18 fairness and provides meaningful cost-of-living relief to families
19 and caregivers across the state. (d) Reducing the tax burden on
20 essential goods supports public health outcomes by improving
21 access to adequate nutrition and necessary infant care items
22 during critical stages of early childhood development. (e) It is the
23 intent of the general assembly that this act focus narrowly on
24 essential goods and not extend to discretionary or luxury items,
25 while allowing the Department of Revenue to administer the
26 exemptions in a clear, consistent, and enforceable manner. (f)
27 Therefore, the general assembly declares that exempting food and
28 certain baby supplies from the state sales and use tax serves a
29 legitimate public purpose and advances the general welfare of the
30 people of the State of San Andreas. **SECTION 4. SALES AND
31 USE TAX EXEMPTION FOR FOOD AND BABY SUPPLIES**
32 (a) Notwithstanding any provision of law to the contrary, on and
33 after the effective date of this act, there shall be exempt from the

1 state sales tax and state use tax the sale, storage, use, or
2 consumption of: (I) Food for domestic home consumption; (II)
3 Baby supplies, as defined in section 1 of this act. (b) This section
4 applies only to the state sales and use tax and does not require any
5 political subdivision of the state to exempt such items from a
6 locally imposed sales or use tax. **SECTION 5. RULEMAKING**
7 **AUTHORITY.** The Department of Revenue may promulgate rules
8 as necessary to implement this act, including rules to clarify
9 eligible items and prevent abuse of the exemptions established by
10 this act. **SECTION 6. EFFECTIVE DATE.** Act subject to petition
11 - effective date. This act takes effect at 12:01 a.m. on the day
12 following the expiration of the ninety-day period after final
13 adjournment of the general assembly; except that, if a veto
14 petition is filed pursuant to Article II, Section 15 of the state
15 constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take
17 effect unless approved by the people at the general election to be
18 held in November 2027 and, in such case, will take effect on the
19 date of the official declaration of the vote thereon by the governor.