

House Bill 419

By: Representative Fleming of the 121st

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia
2 Annotated, relating to state sales and use taxes generally, so as to change a definition for state
3 sales and use taxes regarding manufacturing; to provide for procedures, conditions, and
4 limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Part 1 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,
8 relating to state sales and use taxes generally, is amended by revising paragraph (10) of Code
9 Section 48-8-3.2, relating to definitions and exemptions for energy and equipment used in
10 manufacturing, to read as follows:

11 "(10)(A) 'Manufacturer' means a person or business, or a location of a person or
12 business, that is engaged in the manufacture of tangible personal property for sale or
13 further manufacturing. To be considered a manufacturer, the person or business, or the
14 location of a person or business, must be:

15 ~~(A)(i)~~ Classified as a manufacturer under the 2007 North American Industrial
16 Classification System Sectors 21, 31, 32, or 33; or North American Industrial
17 Classification System industry code ~~22111~~ or specific code 511110; or

18 ~~(B)(ii)~~ Generally regarded as being a manufacturer.

19 (B) Manufacturer shall not include:

20 (i) A person or business, or a location of a person or business, classified as a
21 manufacturer under the North American Industrial Classification System industry
22 code 22111;

23 (ii) Any person or business operating electric power generation facilities; or

24 (iii) Businesses that are primarily engaged in providing personal or professional
25 services or in the operation of retail outlets, generally including, but not limited to,

26 grocery stores, pharmacies, bakeries, or restaurants, ~~are not considered manufacturers.~~"

27 **SECTION 2.**

28 This Act shall become effective upon its approval by the Governor or upon its becoming law
29 without such approval.

30 **SECTION 3.**

31 All laws and parts of laws in conflict with this Act are repealed.