

SECOND REGULAR SESSION

SENATE BILL NO. 989

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

Read 1st time February 6, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6299S.011

AN ACT

To amend chapter 144, RSMo, by adding thereto one new section relating to taxation of utilities used in food preparation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 144, RSMo, is amended by adding thereto one new
2 section, to be known as section 144.055, to read as follows:

**144.055. 1. As used in this section, the term "processing" shall
2 mean any mode of treatment, act, or series of acts performed upon
3 materials or food products to transform or reduce such materials or
4 products to a different state, thing, or product, including treatment
5 necessary to maintain or preserve such processing by the producer at
6 the location at which the food product is produced.**

**7 2. In addition to all other exemptions granted under this chapter,
8 there are hereby specifically exempted from the provisions of sections
9 144.010 to 144.525 and 144.600 to 144.761, and from the computation of
10 the tax levied, assessed, or payable under sections 144.010 to 144.525
11 and 144.600 to 144.761: electrical energy; gas, whether natural,
12 artificial, or propane; water; coal; and energy sources or other utilities
13 which are purchased by a restaurant, cafeteria, fast food restaurant,
14 delicatessen, bakery, grocery store, convenience store, or other similar
15 facility engaged in selling prepared food for consumption on or off the
16 premises of such establishment and ultimately consumed or used in the
17 manufacturing, processing, preparing, furnishing, compounding, or
18 producing of food, or used in research and development related to the
19 manufacturing, processing, preparing, furnishing, compounding, or
20 producing of food that is ultimately sold to customers at a restaurant,
21 cafeteria, fast food restaurant, delicatessen, bakery, grocery store,**

22 convenience store, or other similar facility engaged in selling prepared
23 food for consumption on or off the premises of the establishment.

24 3. Each person making purchases of utilities used in food
25 preparation exempt from sales and use tax under this section may,
26 between the first day of the first month and the fifteenth day of the
27 fourth month following the year of purchase, apply for credit or refund
28 to the director of revenue, and the director shall give a credit or make
29 a refund for taxes paid on the qualified use portion of the utility
30 purchase.

31 4. The exemptions granted in this section shall not apply to the
32 local sales tax law as defined in section 32.085.

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Bill

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