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SENATE BILL 441

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO TAXATION; NARROWING THE DEFINITION OF "FOOD" IN THE
DEDUCTION FROM GROSS RECEIPTS FOR THE SALE OF FOOD AT A RETAIL
FOOD STORE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 7-9-92 NMSA 1978 (being Laws 2004,
Chapter 116, Section 5) is amended to read:

"7-9-92. DEDUCTION--GROSS RECEIPTS--SALE OF FOOD AT
RETAIL FOOD STORE.--

A. Receipts from the sale of food at a retail food
store that are not exempt from gross receipts taxation and are
not deductible pursuant to another provision of the Gross
Receipts and Compensating Tax Act may be deducted from gross
receipts. The deduction provided by this section shall be
separately stated by the taxpayer.

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B. For the purposes of this section:

(1) "food" means:

(a) any food or food product for home consumption that ~~[meets the definition of food in 7 USCA 2012(g)(1) for purposes of the federal food stamp program]~~ is approved by the department of health pertaining to the federal special supplemental nutrition program for women, infants, and children;

(b) flour tortillas, including flour tortillas with enriched wheat flour or bleached enriched wheat flour as the first ingredient; or

(c) unprocessed meat, poultry and fish;

and

(2) "retail food store" means an establishment that sells food for home preparation and consumption and that meets the definition of retail food store in 7 USCA ~~[2012(k)(1)]~~ 2012(o)(1) for purposes of the federal ~~[food stamp]~~ supplemental nutrition assistance program, whether or not the establishment participates in the ~~[food stamp]~~ supplemental nutrition assistance program."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2018.