

HOUSE BILL No. 6087

September 17, 1992, Introduced by Reps. VanSingel and Jondahl and referred to the Committee on Taxation.

A bill to amend section 4g of Act No. 167 of the Public Acts of 1933, entitled as amended

"General sales tax act,"

as amended by Act No. 87 of the Public Acts of 1991, being section 205.54g of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4g of Act No. 167 of the Public Acts of
2 1933, as amended by Act No. 87 of the Public Acts of 1991, being
3 section 205.54g of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 4g. (1) A person subject to tax under this act need
6 not include in the amount of the gross proceeds used for the com-
7 putation of the tax any of the following:

1 (a) Sales of prescription drugs for human use or food for
2 human consumption, except prepared food intended for immediate
3 consumption.

4 (b) The deposit on a returnable container for a beverage or
5 the deposit on a carton or case that is used for returnable
6 containers.

7 (c) Food or tangible personal property purchased with fed-
8 eral food stamps.

9 (d) Fruit or vegetable seeds and fruit or vegetable plants
10 if purchased at a place of business authorized to accept food
11 stamps by the food and nutrition service of the United States
12 department of agriculture or a place of business that has made a
13 complete and proper application for authorization to accept food
14 stamps but has been denied authorization and provides proof of
15 denial to the department of treasury.

16 (2) "Prescription drugs for human use" means insulin or
17 ~~drugs~~ A DRUG dispensed by a licensed pharmacist PURSUANT to
18 ~~fill individual prescriptions~~ A WRITTEN PRESCRIPTION prescribed
19 by a licensed physician or other ~~licensed practitioner of the~~
20 ~~healing arts solely~~ HEALTH PROFESSIONAL AS DEFINED BY
21 SECTION 21005 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE
22 PUBLIC ACTS OF 1978, BEING SECTION 333.21005 OF THE MICHIGAN
23 COMPILED LAWS, for the use of a designated person, OR OXYGEN DIS-
24 PENSED PURSUANT TO A WRITTEN PRESCRIPTION OR ORDER ISSUED BY A
25 LICENSED PHYSICIAN OR OTHER HEALTH PROFESSIONAL AS DEFINED IN
26 SECTION 21005 OF ACT NO. 368 OF THE PUBLIC ACTS OF 1978.

1 (3) "Food for human consumption" means all food and drink
2 items, including bottled water, intended primarily for human
3 consumption except beverages with an alcoholic content of 1/2 of
4 1% or more by volume, tobacco and tobacco products, and prepared
5 food intended for immediate consumption. Food for human consump-
6 tion includes live animals purchased with the intent to be
7 slaughtered for human consumption.

8 (4) "Prepared food intended for immediate consumption" means
9 a retail sale of 1 or more of the following:

10 (a) Food or drink prepared and served for immediate consump-
11 tion at or near the premises or ordinarily sold on a takeout
12 basis for immediate consumption either on or off the premises.
13 For the purposes of this section premises includes the total
14 space and facilities in or on which a retailer conducts his or
15 her business, including, but not limited to, parking areas for
16 the convenience of in-car consumption, outdoor tables, benches,
17 chairs, and similar conveniences.

18 (b) Food or drink furnished, prepared, or served for immedi-
19 ate consumption at a table, chair, or counter or from a tray,
20 glass, dish, container, or other tableware.

21 (c) Food or drink arranged on a plate or platter, whether
22 intended for individual or multiple servings and whether sold by
23 the pound or by the serving; a sandwich, either hot or cold; or a
24 combination of taxable and nontaxable items when sold as a plate
25 or packaged as a meal, even though intended for more than 1
26 serving.

1 (d) Food that is cooked to the order of the purchaser, or
2 that is cooked and maintained at a temperature higher than the
3 surrounding air temperature before sale, or prepared food that is
4 sold by the piece rather than by weight or measure.

5 (e) Food or drink intended for immediate consumption sold
6 from a vending machine or by a vendor from a mobile facility,
7 except for milk, juices, fresh fruit, candy, nuts, chewing gum,
8 cookies, crackers, and chips, when sold from a vending machine
9 selling these products.

10 (5) Prepared food intended for immediate consumption does
11 not include bakery products for off premise consumption, such as
12 doughnuts, pastry, bread, and cakes or meals eligible to be pur-
13 chased with federal food stamps.