

## Grocery Food

The chart below sets forth the taxability of non-prepared grocery food. Many states that exempt grocery food exclude certain items such as soft drinks, candy, and confections. Food prepared by a grocery is taxable in all states as meals.

Jurisdiction	Grocery Food	Comment	Citation
Alabama	Taxable		Alabama Code §40-23-2
Arizona	Exempt		Ariz. Rev. Stat. §42-5061(A)(15)
Arkansas	Taxable	Food and food ingredients taxed at reduced state rate of 2% (1.5% beginning July 1, 2011), plus any applicable local rate. Food items ineligible for reduced rate taxed at regular state rate.	Ark. Code. Ann. §26-52-301 Ark. Code. Ann. §26-52-317 Ark. Code. Ann. §26-53-145
California	Exempt		Cal. Rev. & Tax Code §6359
Colorado	Exempt	Certain items are taxable including carbonated water, chewing gum, seeds and plants to grow food, prepared salads and salad bars, cold sandwiches, deli trays, candy, soft drinks and hot/cold beverages served in unsealed cups through a vending machine.	Colo. Rev. Stat. §39-26-114(1)(a)(XX)
Connecticut	Exempt		Conn. Gen. Stat. §12-412(13)
District of Columbia	Exempt		D.C. Code Ann. §47-2001(n)(2)(E)
Florida	Exempt		Fla. Stat. ch.212.08(1)
Georgia	Exempt		Ga. Code. Ann. §48-8-3(57)
Hawaii	Taxable		Haw. Rev. Stat. §237-13
Idaho	Taxable		Idaho Code §63-3612(2)(b)
Illinois	Taxable	Taxed at reduced rate of 1%. Candy and soft drinks do not qualify for the 1% rate beginning September 1, 2009.	35 ILCS 105/3-10
Indiana	Exempt		Ind. Code §6-2.5-5-20
Iowa	Exempt		Iowa Code §423.3(57)
Kansas	Taxable	Limited tax refund available to disabled, elderly, and low-income households.	Kan. Stat. Ann. §79-3603 Kan. Stat. Ann. §79-3635
Kentucky	Exempt		Ky. Rev. Stat. Ann. §139.485
Louisiana	Exempt	Exemption applies to food sold for preparation and consumption in the home.	La. Rev. Stat. Ann. §47:305(D)(1)(n)--(r)
Maine	Exempt	The exemption for food products for home consumption is limited to "grocery staples."	Me. Rev. Stat. Ann. tit. 36, §1760(3)
Maryland	Exempt	Sales of food for consumption off-premises exempt when sold by a substantial grocery or market business, where at least 10% of all food sales are sales of grocery or market food items.	Md. Code Ann. §11-206(c)
Massachusetts	Exempt		Mass. Gen. Laws ch. 64H, §6(h)
Michigan	Exempt		Mich. Comp. Laws §205.54g
Minnesota	Exempt		Minn. Stat. §297A.67(2)
Mississippi	Taxable		Miss. Code. Ann. §27-65-17
Missouri	Taxable	Taxed at reduced rate of 1.225%.	Mo. Rev. Stat. §144.014
Nebraska	Exempt		Neb. Rev. Stat. §77-2704.24
Nevada	Exempt		Nev. Rev. Stat. 372.284
New Jersey	Exempt		N.J. Stat. Ann. §54:32B-8.2.
New Mexico	Exempt		N.M. Stat. Ann. §7-9-92
New York	Exempt		N.Y. Tax Law, §1115
North Carolina	Exempt	Sales of food are subject to local taxes.	N.C. Gen. Stat. §105-164.13B
North Dakota	Exempt		N.D. Cent. Code §57-39.2-04.1 N.D. Admin. Code §81-04.1-03-03
Ohio	Exempt	All food, including prepared food, is exempt if sold for off-premises consumption.	Ohio Rev. Code Ann. §5739.02(B)(2)
Oklahoma	Taxable		Okla. Stat. tit.68, §1354(A)(1)
Pennsylvania	Exempt	Depends upon the type of food and the location from which food is sold.	Policy Statement Sec. 60.7
Rhode Island	Exempt		R.I. Gen. Laws §44-18-30(9)
South Carolina	Exempt	Unprepared food that can be purchased with federal food stamps is exempt from state sales and use tax, and exempt from any capital projects sales and use tax imposed or reimposed after June 3, 2009, but subject to other local sales and use tax.	S.C. Code Ann. §12-36-2120 S.C. Code Ann. §4-10-350
South Dakota	Taxable		S.D. Codified Laws §10-45-2
Tennessee	Taxable	Food and food ingredients are taxed at reduced rate of 5.25%. Prior to July 1, 2012, the rate was 5.5%.	Tenn. Code. Ann. §67-6-228(a)
Texas	Exempt		Tex. Tax Code Ann. §151.314
Utah	Taxable	Subject to local taxes. Food and food ingredients are taxed at reduced rate of 1.75%. In a bundled transaction involving both food/food ingredients and another taxable item of tangible personal property, the rate is 4.65%.	Utah Code Ann. §59-12-103
Vermont	Exempt		Vt. Stat. Ann. tit. 32, §9741(13)
Virginia	Taxable	Taxed at reduced rate of 1.5% (1% local option tax also applies).	Va. Code. Ann. §58.1-611.1
Washington	Exempt	Candy and bottled water are taxable as of June 1, 2010. The sales tax on both candy and bottled water will terminate December 2, 2010.	Wash. Rev. Code §82.08.0293
West Virginia	Taxable	Taxed at reduced rate of 3% through Dec. 31 2011; 2% effective Jan. 1 2012; and 1% effective Jul. 1, 2012. The tax is eliminated on Jul. 1, 2013, if balance in the state's Revenue Shortfall Reserve Fund on Dec. 31, 2012, is at least 12.5% of the General Revenue Fund budgeted for the fiscal year beginning Jul. 1, 2012. If the tax is not suspended on Jul. 1, 2013, the tax will be suspended on Jul. 1 of any calendar year beginning with 2014 in which the balance of the Revenue Shortfall Reserve Fund as of December 31 of the preceding fiscal year is at least 12.5% of the General Revenue Fund budgeted for the next fiscal year.	W. Va. Code §11-15-3a
Wisconsin	Exempt	Some snack foods may be excluded from exemption.	Wis. Stat. §77.54(20)
Wyoming	Exempt	Food for domestic home consumption is exempt.	Wyo. Stat. Ann. §39-15-105(a)(vi)(E) Wyo. Stat. Ann. §39-15-101(a)(xlii)

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