

YES! KEEP OUR GROCERIES TAX FREE

Whereas access to food is a basic need of every Oregonian; and

Whereas keeping the price of groceries as low as possible improves the access to food for all Oregonians; and

Whereas taxing the sale of groceries hurts low- and fixed-income Oregonians; now, therefore,

The People of the State of Oregon find that the sale of groceries shall remain tax free and the State of Oregon or any political subdivision shall not tax the sale of groceries.

To that end, the Constitution of the State of Oregon is amended by creating a new section 16 to be added to and made a part of Article IX, such section to read:

KEEPING GROCERIES TAX FREE

SECTION 16. (1) Subject to the limitations in subsection (4) herein, the state and a city, county, district or other political subdivision or municipal corporation of this state may not adopt, collect, enact, or impose a tax, fee, or other assessment upon the sale or distribution of groceries or for the privilege of selling or distributing groceries.

(2) Nothing in subsection (1) of this section limits the authority to adopt, collect, enact, or impose:

(a) A tax, fee, or other assessment on or measured by:

(A) The sale of alcoholic beverages, marijuana products, or tobacco products.

(B) Net income of an individual or entity.

(b) A fee or other assessment to operate the State Department of Agriculture's Food Safety Program or Commodity Inspection Program or any successor agency or program that provides for the safety of groceries.

DEFINITIONS

(3) As used in this section:

(a) "Groceries" means any raw or processed food or beverage intended for human consumption except alcoholic beverages, marijuana products, and tobacco products.

(b) "Sale or distribution of groceries" means any transaction for the sale, purchase, distribution, or transfer of groceries sold, distributed, transferred to, or purchased, or received from, any individual or entity that:

(A) Is licensed, registered, or inspected under the Food Safety Modernization Act, U.S. Food and Drug Administration, U.S. Department of Agriculture Federal Grain Inspection Service, or any successor agency or program that provides for the safety of groceries; or

(B) Is licensed and inspected by the State Department of Agriculture’s Food Safety Program or Commodity Inspection Program or any successor agency or program that provides for the safety of groceries; or

(C) Operates as a farm stand, farmers market, or food bank.

(c) “Tax, fee, or other assessment” includes, but is not limited to, a sales tax, gross receipts tax, commercial activity tax, value-added tax, excise tax, privilege tax, and any other similar tax on the sale of groceries.

(d) “Alcoholic beverage” means any liquid or solid containing more than one-half of one percent alcohol by volume and capable of being consumed by a human being.

(e) “Marijuana product” means a product made from any part of the plant Cannabis family Cannabaceae or the seeds of the plant Cannabis family Cannabaceae.

(f) “Tobacco products” means cigars, cigarettes, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, moist snuff, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

IMPLEMENTATION

(4) The prohibition on the imposition and collection of a tax, fee, or other assessment, including but not limited to a corporate minimum tax, on the sale or distribution of groceries by subsection (1) of this section applies only to state and local enactments relating to taxes, fees, or other assessments adopted, approved, or enacted on or after October 1, 2017.

(5) It is the intent of the people that all parts of this amendment are independent and that if any part of this amendment is held unconstitutional, all remaining parts shall remain in force.

