

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 339 be amended to read as follows:

- 1 Page 1, line 3, after "Sec. 18.5." insert "(a)".
- 2 Page 1, delete lines 5 through 14, begin a new line block indented
- 3 and insert:
- 4 **"(1) has the primary North American Industry Classification**
- 5 **System (NAICS) classification 445110 or 452910; and**
- 6 **(2) is primarily engaged in the retail sale of a general food**
- 7 **line, which may include:**
- 8 **(A) canned and frozen foods;**
- 9 **(B) dry goods, including tea, coffee, sugar, and flour;**
- 10 **(C) fresh fruits and vegetables; and**
- 11 **(D) fresh and prepared meats.**
- 12 **(b) The term does not include a store that has less than two**
- 13 **hundred fifty thousand dollars (\$250,000) in annual gross sales of**
- 14 **food, excluding the following:**
- 15 **(1) Candy, confectionaries, and chewing gum.**
- 16 **(2) Alcoholic beverages.**
- 17 **(3) Cocktail mixers.**
- 18 **(4) Soft drinks, sodas, and other similar beverages.**
- 19 **(5) Medicines, tonics, vitamins, and other dietary**
- 20 **supplements.**
- 21 **(6) Water (except natural spring water), mineral water,**
- 22 **carbonated water, and ice.**
- 23 **(7) Pet food.**
- 24 **(8) Food furnished, prepared, or served for consumption at a**
- 25 **location, or on equipment, provided by the retail merchant.**
- 26 **(9) Meals served by a retail merchant off the merchant's**
- 27 **premises.**
- 28 **(10) Food sold by a retail merchant who ordinarily bags,**
- 29 **wraps, or packages the food for immediate consumption on or**
- 30 **near the merchant's premises, including food sold on a "take**
- 31 **out" or "to go" basis.**

1           **(11) Food sold through a vending machine.**

2           **(12) Tobacco products."**

(Reference is to SB 339 as printed February 23, 2007.)

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Senator DELPH