

Act", amending the Retail Sales Tax Act in order to ~~exempt certain sales by grocery stores and sales of certain ice-cream products from the retail sales tax and defining the term "grocery store" for the purposes of this sub-title.~~ EXCLUDE CERTAIN ITEMS OF FOOD FROM THE IMPOSITION OF THE RETAIL SALES TAX.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 324 (f) and Section 326 (c) of Article 81 of the Annotated Code of Maryland (1960 Supplement), as amended by Chapter 655 of the Acts of 1961, title "Revenue and Taxes", sub-title "Retail Sales Tax Act", be and they are hereby repealed and re-enacted with amendments to read as follows:

324.

(f) "Retail sale" and "sale at retail" shall mean the sale in any quantity or quantities of any tangible personal property or service taxable under the terms of this sub-title. Said term shall mean all sales of tangible personal property to any person for any purpose other than those in which the purpose of the purchaser is to resell the property so transferred in the form in which the same is, or is to be received by him, or to use or incorporate the property so transferred, as a material or part, or other tangible personal property to be produced for sale by manufacturing, assembling, processing or refining. For the purpose of the tax imposed by this sub-title, the term "sale at retail" shall include but shall not be limited to the following:

~~(1) The sale of any alcoholic beverages; and the sale for human consumption of any meals, food or drink at any restaurant or any other place where food is sold for consumption on the premises and all sales of food which is prepared in any way by the vendor.~~

~~By way of partial enumeration only and not by way of limitation, the following sales are intended to be taxed: Sales of sandwiches, pizzas, french fries, milk shakes, [ice cream except that which is sold in containers of one pint or more,] sea food and similar items sold by carry-out shops, lunch counters, drive-ins, delicatessons, vehicles or mobile units, public or private eaterers and similar establishments. The tax shall not apply to general grocery store food items sometimes referred to as the "family market basket", including bakery and dairy items [(other than ice cream)] and any foods which require further preparation by the retail purchaser such as thawing, cooking or similar processing.~~

(1) THE SALE OF ALCOHOLIC BEVERAGES REGARDLESS OF THE PLACE OF CONSUMPTION; AND THE SALE OF ANY MEALS, FOOD OR DRINK FOR HUMAN CONSUMPTION ON THE PREMISES WHERE SOLD. FOR THE PURPOSES OF THIS SECTION THE WORD "PREMISES" SHALL INCLUDE, AMONG OTHERS PLACES, PARKING LOTS CONNECTED WITH THE PLACE WHERE THE FOOD IS SOLD.

(2) Any production, fabrication or printing of tangible personal property on special order for a consideration.

(3) The sale of tangible personal property to contractors, builders or landowners for use or resale in the form of real estate.