

(b) *Exemptions. This section shall not apply to:*

(1) *retail sales agencies or instrumentalities which during the immediately preceding calendar year sold a gross volume of consumer commodities of less than two-hundred fifty FIVE HUNDRED thousand dollars (\$250,000) (\$500,000) AND WHICH ARE OWNED AND OPERATED BY ONE OWNER OR ONE OWNER AND MEMBERS OF HIS IMMEDIATE FAMILY, EXCEPT THAT WHERE TWO OR MORE SALES AGENCIES OR INSTRUMENTALITIES ARE PARTS OF THE SAME COMPANY, AND THE COMPANY-WIDE GROSS VOLUME OF CONSUMER COMMODITIES TOTALED ONE MILLION DOLLARS (\$1,000,000) OR MORE DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR, THE SALES AGENCIES AND INSTRUMENTALITIES OF SUCH COMPANY SHALL NOT BE EXEMPT FROM THIS SECTION;*

(I) DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR SOLD A GROSS VOLUME OF CONSUMER COMMODITIES OF LESS THAN SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000) ; OR

(II) ARE PART OR ALL OF A COMPANY CONSISTING OF LESS THAN TEN SALES AGENCIES OR INSTRUMENTALITIES WITHIN OR WITHOUT THIS STATE; OR

(III) DERIVE LESS THAN FIFTEEN PERCENT OF THEIR TOTAL REVENUES FROM CONSUMER COMMODITIES SUBJECT TO THIS SECTION; OR

(IV) ARE OWNED AND OPERATED BY ONE OWNER OR ONE OWNER AND MEMBERS OF HIS IMMEDIATE FAMILY;

PROVIDED, HOWEVER, THAT ANY SALES AGENCY OR INSTRUMENTALITY OTHERWISE QUALIFYING FOR EXEMPTION UNDER PARAGRAPHS (II), (III) OR (IV) ABOVE SHALL BE SUBJECT TO THIS SECTION IF THE GROSS VOLUME OF CONSUMER COMMODITIES SOLD IN THIS STATE BY THE COMPANY, OF WHICH THE SALES AGENCY OR INSTRUMENTALITY IS A PART, EXCEEDS THIRTY MILLION DOLLARS (\$30,000,000) DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR;

(2) *prepackaged food containing separately identifiable items segregated by physical division within the package;*

(3) *items sold only by prescription;*

(4) *items subject to packaging or labeling requirements of the Federal Alcohol Administration Act or subject to pricing requirements under Federal law;*

(5) *items while actually being sold through vending machines, but the same items when not sold through vending machines are not exempted by this subdivision of this subsection;*

(6) **ITEMS DELIVERED DIRECTLY TO A RETAIL SALES AGENCY OR INSTRUMENTALITY WITHOUT PASSING THROUGH WAREHOUSING OR OTHER INVENTORY FACILITY USED BY SUCH RETAIL SALES AGENCY OR INSTRUMENTALITY.**