

1 AN ACT proposing to create a new section of the Constitution of Kentucky relating
2 to the exemption of state and local excise, sales, and use taxes from food, food
3 ingredients, prescription drugs, and residential and on-farm utilities.

4 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

5 ➔Section 1. Are you in favor of creating an exemption from state and local
6 excise, sales, and use taxes for food, food ingredients, prescription drugs, and on-farm
7 residential utilities, and by amending the Constitution of Kentucky to read as follows?

8 ➔SECTION 2. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO
9 THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

10 *The General Assembly shall not impose, nor allow to be imposed by any county,*
11 *city, town, or other municipal corporation, any excise, sales, or use tax on:*

12 *(1) Food and food ingredients, which include liquid, concentrated, solid,*
13 *frozen, dried, or dehydrated substances sold for ingestion or chewing by humans and*
14 *are consumed for their taste or nutritional value, but do not include alcohol, tobacco,*
15 *candy, dietary supplements, soft drinks, and prepared food that has been mixed,*
16 *combined, heated, or served with utensils by the retailer;*

17 *(2) Any drug purchased for the treatment of a human being for which a*
18 *prescription is required by state or federal law;*

19 *(3) Residential utilities, including electricity, water, sewer services, and natural*
20 *gas, when used by the owner in the home maintained as his or her permanent*
21 *residence; and*

22 *(4) On-farm utilities, including electricity, water, sewer services, and natural*
23 *gas, when used for the purpose of farming by a farmer who is regularly engaged in the*
24 *occupation of tilling and cultivating the soil for production of crops, the raising and*
25 *feeding livestock or poultry of a kind the products of which ordinarily constitute food*
26 *for human consumption, producing milk for sale, or raising ratite birds, llamas,*
27 *alpacas, buffaloes, cervids, or aquatic organisms as an agricultural pursuit.*

1 ➔Section 3. This amendment shall be submitted to the voters of the
2 Commonwealth for their ratification or rejection at the time and in the manner provided
3 for under Sections 256 and 257 of the Constitution, KRS 118.415, and Sections 4 and 5
4 of this Act.

5 ➔Section 4. Notwithstanding any provision in KRS 118.415 to the contrary, the
6 Secretary of State shall cause the entirety of the question in Section 1 of this Act and the
7 entirety of the proposed amendment to the Constitution of Kentucky contained in Section
8 2 of this Act to be published at least one time in a newspaper of general circulation
9 published in this state, and shall also cause to be published at the same time and in the
10 same manner the fact that the amendment will be submitted to the voters for their
11 acceptance or rejection at the next regular election at which members of the General
12 Assembly are to be voted for. The publication required by this section and KRS 118.415
13 shall be made no later than the first Tuesday in August preceding the election at which
14 the amendment is to be voted on.

15 ➔Section 5. Notwithstanding any provision in KRS 118.415 to the contrary, the
16 Secretary of State, not later than the second Monday after the second Tuesday in August
17 preceding the next regular election at which members of the General Assembly are to be
18 chosen in a year in which there is not an election for President and Vice President of the
19 United States, or not later than the Thursday after the first Tuesday in September
20 preceding a regular election in a year in which there is an election for President and Vice
21 President of the United States, shall certify the entirety of the question in Section 1 of this
22 Act and the entirety of the proposed amendment contained in Section 2 of this Act to the
23 county clerk of each county, and the county clerk shall have the entirety of the
24 amendment, as so certified, indicated on the ballots provided to the voters in paper or
25 electronic form as applicable to the voting machines in use in each county or precinct.