

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 884
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10390-NIF-118

Short Title: Prepared Food Tax - Modification.

(Public)

Sponsors: Representative Wheatley.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO INCREASE THE GROSS RECEIPTS THRESHOLD FOR ARTISANAL
BAKERIES EXEMPT FROM THE SALES TAX.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-164.13B reads as rewritten:

"§ 105-164.13B. Food exempt from tax.

(a) State Exemption. – Food is exempt from the taxes imposed by this Article unless the food is included in one of the subdivisions in this subsection. The following food items are subject to tax:

- (1) Repealed by Session Laws 2005-276, s. 33.10, effective October 1, 2005.
- (2) Dietary supplements.
- (3) Food sold through a vending machine.
- (4) Prepared food, other than bakery items sold without eating utensils by an artisan bakery. The term "bakery item" includes bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas. An artisan bakery is a bakery that meets all of the following requirements:
 - a. It derives over eighty percent (80%) of its gross receipts from bakery items.
 - b. Its annual gross receipts, combined with the gross receipts of all related persons, do not exceed ~~one million eight hundred thousand dollars (\$1,800,000).~~ two million four hundred thousand dollars (\$2,400,000). For purposes of this subdivision, the term "related person" means a person described in one of the relationships set forth in section 267(b) or 707(b) of the Code.
- (5) Soft drinks.
- (6) Repealed by Session Laws 2003-284, s. 45.6B, effective January 1, 2004.
- (7) Candy.

(b) Administration of Local Food Tax. – The Secretary must administer local sales and use taxes imposed on food as if they were imposed under this Article. This applies to local taxes on food imposed under Subchapter VIII of this Chapter and under Chapter 1096 of the 1967 Session Laws."

SECTION 2. This act becomes effective October 1, 2025, and applies to sales made on or after that date.



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