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SENATE BILL NO. 116

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations
on January 16, 2024)

(Patrons Prior to Substitute—Senators Lucas, Craig and Jordan [SB 58], and Durant [SB 64])

A *BILL to amend the Code of Virginia by adding in Chapter 6 of Title 58.1 a section numbered 58.1-639.1, relating to annual retail sales and use tax holiday.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 6 of Title 58.1 a section numbered 58.1-639.1 as follows:

§ 58.1-639.1. Annual retail sales and use tax holiday.

A. *Each year there shall be a three day period that begins on the first Friday in August and ends at 11:59 p.m. pm the following Sunday, during which time certain items shall be exempt from the taxes imposed by this chapter or pursuant to the authority granted in § 58.1-605 or 58.1-606.*

B. *Pursuant to subsection A, the taxes imposed by this chapter or pursuant to the authority granted in § 58.1-605 or 58.1-606 shall not apply to the following:*

1. *Certain school supplies with a selling price of \$20 or less, including dictionaries, notebooks, pens, pencils, notebook paper, and calculators;*

2. *Clothing and footwear with a selling price of \$100 or less designed to be worn on or about the human body;*

3. *Qualified products designated as Energy Star or WaterSense with a sales price of \$2,500 or less per product purchased for noncommercial home or personal use. For the purposes of this exemption, an Energy Star-qualified product is any dishwasher, clothes washer, air conditioner, ceiling fan, compact fluorescent light bulb, dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which has been designated by the U.S. Environmental Protection Agency and the U.S. Department of Energy as meeting or exceeding each such agency's requirements under the Energy Star program;*

4. *Portable generators with a selling price of \$1,000 or less used to provide light or communications or preserve food in the event of a power outage; and*

5. *Certain other hurricane preparedness equipment, including blue ice, carbon monoxide detectors, cell phone batteries, cell phone chargers, gas or diesel fuel tanks, nonelectric food storage coolers, portable self-powered light sources, portable self-powered radios, two-way radios, weather band radios, storm shutter devices, tarpaulins or other flexible waterproof sheeting, ground anchor systems or tie-down kits, gas-powered chain saws and chain saw accessories, and packages of AAA-cell, AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries. As used in this section, "storm shutter" means materials and products manufactured, rated, and marketed specifically for the purpose of preventing window damage from storms. The tax exemption shall apply to each gas-powered chain saw with a selling price of \$350 or less and each article of other hurricane preparedness equipment with a selling price of \$60 or less.*

C. *Any discount, coupon, or other credit offered either by the retailer or by a vendor of the retailer to reduce the final price to the customer shall be taken into account in determining the selling price for purposes of this exemption.*

D. *The Department shall develop guidelines that describe the items of merchandise that qualify for the exemption and make such guidelines available no later than July 15 of each year.*

2. That the provisions of this bill shall be effective on July 1, 2025, through July 1, 2030.