

2198

2013-2014 Regular Sessions

I N   S E N A T E

January 14, 2013

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT in relation to establishing the emergency preparedness month act and to amend the tax law, in relation to exempting prefabricated go-bags and individual emergency preparedness items

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known as the "emergency  
2     preparedness month act".  
3     S 2. Legislative findings. The legislature hereby finds and declares  
4     that citizens of the state of New York are not properly equipped with  
5     the requisite supplies needed in the event of a disaster or other emer-  
6     gency. The legislature further declares that the impacts of disasters  
7     are mitigated when individuals have the proper emergency preparedness  
8     supplies they need to be self sufficient during a disaster, and those  
9     individuals are less likely to require state and local assistance during  
10    a disaster or other emergency.  
11    The legislature further declares that a tax free period for certain  
12    emergency preparedness items and prefabricated go-bags shall provide the  
13    needed incentive for individuals to purchase proper supplies and equip-  
14    ment to be used in the event of a disaster or other emergency.  
15    Therefore, the legislature declares the month of September to be emer-  
16    gency preparedness month in the state of New York.  
17    S 3. Section 1115 of the tax law is amended by adding two new subdivi-  
18    sions (ii) and (jj) to read as follows:  
19    (II) (1) RECEIPTS FROM THE RETAIL SALE OF PREFABRICATED GO-BAGS SHALL  
20    BE EXEMPT FROM TAXES IMPOSED BY THIS ARTICLE ANNUALLY FROM SEPTEMBER  
21    FIRST TO SEPTEMBER THIRTIETH. PROVIDED, HOWEVER, NO EXEMPTION SHALL  
22    EXIST UNDER THIS PARAGRAPH IF SUCH PREFABRICATED GO-BAGS WERE PURCHASED

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 AT ANY ENTERTAINMENT LOCATIONS, THEME PARKS, TOY STORES, CONVENTION  
2 CENTERS, SPORTING ARENAS, STADIUMS, OR OTHER TOURIST ATTRACTIONS.

3 (2) FOR PURPOSES OF THIS SUBDIVISION, "PREFABRICATED GO-BAG" SHALL  
4 MEAN ANY STURDY AND EASILY ACCESSIBLE BAG OR OTHER SIMILAR CONTAINER,  
5 WHICH MAY BE EASILY TRANSPORTED, CONTAINING AT A MINIMUM, THE FOLLOWING  
6 ITEMS:

7 (A) A WHISTLE;

8 (B) A NATIONAL INSTITUTE FOR SAFETY AND HEALTH CERTIFIED N95 ("NIOSH-  
9 N95") BREATHING MASK;

10 (C) A NON-COMBUSTIBLE LIGHT SOURCE; AND

11 (D) A FIRST AID KIT, MEETING OR EXCEEDING THE MINIMUM STANDARDS SET  
12 FORTH BY THE UNITED STATES DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND  
13 HEALTH ADMINISTRATION IN ITS APPENDIX TO 29 C.F.R. SECTION 1910.151  
14 REFERRING TO THE AMERICAN NATIONAL STANDARDS INSTITUTE STANDARD.

15 (3) THE EXEMPTIONS PROVIDED IN PARAGRAPH ONE OF THIS SUBDIVISION SHALL  
16 NOT APPLY TO PREFABRICATED GO-BAGS CONTAINING CANDLES, MATCHES OR  
17 COMBUSTIBLE FUELS, OR WHICH EXCEED SEVENTY-FIVE DOLLARS.

18 (JJ) (1) RECEIPTS FROM THE RETAIL SALE OF INDIVIDUAL EMERGENCY  
19 PREPAREDNESS ITEMS SHALL BE EXEMPT FROM TAXES IMPOSED BY THIS ARTICLE  
20 ANNUALLY FROM SEPTEMBER FIRST THROUGH SEPTEMBER ELEVENTH. PROVIDED,  
21 HOWEVER, NO EXEMPTION SHALL EXIST UNDER THIS PARAGRAPH IF SUCH INDIVID-  
22 UAL EMERGENCY PREPAREDNESS ITEMS WERE PURCHASED AT ANY ENTERTAINMENT  
23 LOCATIONS, THEME PARKS, TOY STORES, CONVENTION CENTERS, SPORTING ARENAS,  
24 STADIUMS, OR OTHER TOURIST ATTRACTIONS.

25 (2) INDIVIDUAL EMERGENCY PREPAREDNESS ITEMS SHALL INCLUDE:

26 (A) FIRST AID KITS MEETING OR EXCEEDING THE MINIMUM STANDARDS SET  
27 FORTH BY THE UNITED STATES DEPARTMENT OF LABOR OCCUPATIONAL SAFETY  
28 HEALTH ADMINISTRATION IN ITS APPENDIX TO 29 C.F.R. SECTION 1910.151,  
29 PROVIDED THE KIT DOES NOT EXCEED THIRTY DOLLARS;

30 (B) PET CARRIERS NOT EXCEEDING FIFTY DOLLARS;

31 (C) WATERPROOF BAGS OR CONTAINERS FOR DOCUMENTS NOT EXCEEDING TEN  
32 DOLLARS;

33 (D) WHISTLES NOT EXCEEDING FIVE DOLLARS;

34 (E) NATIONAL INSTITUTE FOR SAFETY AND HEALTH CERTIFIED N95  
35 ("NIOSH-N95") BREATHING MASKS NOT EXCEEDING THIRTY DOLLARS;

36 (F) NON-COMBUSTIBLE LIGHT SOURCES INCLUDING FLASHLIGHTS AND ANY OTHER  
37 PORTABLE SELF-POWERED LIGHT SOURCES NOT EXCEEDING THIRTY DOLLARS;

38 (G) CARBON MONOXIDE DETECTORS NOT EXCEEDING SEVENTY DOLLARS;

39 (H) FIRE ALARMS NOT EXCEEDING TWENTY DOLLARS;

40 (I) FIRE EXTINGUISHERS, SPECIFICALLY DESIGNED TO EXTINGUISH CLASS A,  
41 B, OR C FIRES, OR ANY COMBINATION OF A, B, AND C FIRES, NOT EXCEEDING  
42 SIXTY DOLLARS;

43 (J) FIVE GALLON FUEL CONTAINERS NOT EXCEEDING TWENTY DOLLARS;

44 (K) CELL PHONE BATTERIES NOT EXCEEDING SIXTY DOLLARS;

45 (L) CELL PHONE BATTERY CHARGERS NOT EXCEEDING FORTY DOLLARS;

46 (M) NON-ELECTRIC CAN OPENERS NOT EXCEEDING TEN DOLLARS;

47 (N) NON-ELECTRIC FOOD STORAGE COOLERS AND ICE CHESTS NOT EXCEEDING  
48 THIRTY DOLLARS;

49 (O) WATER PURIFICATION KITS NOT EXCEEDING TWENTY DOLLARS;

50 (P) REUSABLE ICE NOT EXCEEDING TEN DOLLARS;

51 (Q) PORTABLE BATTERY, SOLAR OR HAND CRANKED RADIOS, INCLUDING TWO-WAY  
52 AND WEATHER BAND RADIOS, NOT EXCEEDING SEVENTY-FIVE DOLLARS;

53 (R) PORTABLE GENERATORS USED TO PROVIDE LIGHT OR COMMUNICATIONS OR  
54 PRESERVE FOOD IN THE EVENT OF A POWER OUTAGE NOT EXCEEDING ONE THOUSAND  
55 DOLLARS;

1 (S) STORM OR SHUTTER DEVICES INCLUDING MATERIALS AND PRODUCTS MANUFAC-  
2 TURED, RATED AND MARKETING SPECIFICALLY FOR THE PURPOSE OF PREVENTING  
3 WINDOW DAMAGE FROM STORMS NOT EXCEEDING TWO HUNDRED DOLLARS;  
4 (T) TARPAULIN OR OTHER FLEXIBLE WATERPROOF SHEETING NOT EXCEEDING  
5 FIFTY DOLLARS;  
6 (U) MULTI-LAYERED BARRIER SHEETING, DESIGNED TO PROTECT AGAINST  
7 AIRBORNE AGENTS, TESTED IN ACCORDANCE WITH THE UNITED STATES MILITARY  
8 STANDARD TWO HUNDRED EIGHTY-TWO NOT EXCEEDING SIXTY DOLLARS;  
9 (V) DUCT TAPE NOT EXCEEDING TEN DOLLARS;  
10 (W) SNOW SHOVELS NOT EXCEEDING FORTY DOLLARS;  
11 (X) ROCK SALT AND/OR SAND INTENDED FOR SNOW AND ICE CONTROL NOT  
12 EXCEEDING TEN DOLLARS;  
13 (Y) ANY PACKAGE OF AAA-CELL, AA-CELL, C-CELL, D-CELL, 6-VOLT OR 9-VOLT  
14 BATTERIES, EXCLUDING AUTOMOBILE OR BOAT BATTERIES, NOT EXCEEDING TWENTY  
15 DOLLARS; OR  
16 (Z) ANY SINGLE PACKAGE CONSISTING OF TWO OR MORE OF THE QUALIFIED  
17 INDIVIDUAL EMERGENCY PREPAREDNESS ITEMS LISTED IN SUBPARAGRAPHS (A)  
18 THROUGH (Y) OF THIS PARAGRAPH, OR OTHER TAX EXEMPT ITEMS, NOT EXCEEDING  
19 SEVENTY-FIVE DOLLARS.  
20 S 4. This act shall take effect immediately.