

7106

2015-2016 Regular Sessions

I N   A S S E M B L Y

April 23, 2015

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Introduced by M. of A. CAHILL -- read once and referred to the Committee  
on Ways and Means

AN ACT to amend the tax law, in relation to exempting brewers that  
produce less than sixty thousand barrels of beer a year from the  
requirement to file annual information returns

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

1     Section 1. Subparagraph (C) of paragraph 1 of subdivision (i) of  
2     section 1136 of the tax law, as amended by chapter 384 of the laws of  
3     2013, is amended to read as follows:  
4     (C) Every wholesaler, as defined by section three of the alcoholic  
5     beverage control law, if it has made a sale of an alcoholic beverage, as  
6     defined by section four hundred twenty of this chapter, without collect-  
7     ing sales or use tax during the period covered by the return, except (i)  
8     a sale to a person that has furnished an exempt organization certificate  
9     to the wholesaler for that sale; or (ii) a sale to another wholesaler  
10    whose license under the alcoholic beverage control law does not allow it  
11    to make retail sales of the alcoholic beverage. For each vendor, opera-  
12    tor, or recipient to whom the wholesaler has made a sale without  
13    collecting sales or compensating use tax, the return must include the  
14    total value of those sales made during the period covered by the return  
15    (excepting the sales described in clauses (i) and (ii) of this subpara-  
16    graph) and the vendor's, operator's or recipient's state liquor authori-  
17    ty license number, along with the information required by paragraph two  
18    of this subdivision. A person operating pursuant to a farm winery  
19    license as provided in section seventy-six-a of the alcoholic beverage  
20    control law, or a person operating pursuant to a farm distillery license  
21    as provided in subdivision two-c of section sixty-one of such law, or a  
22    person operating pursuant to a farm cidery license as provided in  
23    section fifty-eight-c of the alcoholic beverage control law, or a person  
24    operating pursuant to a farm brewery license as provided in section

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

LBD09881-01-5

1 fifty-one-a of the alcoholic beverage control law, OR A PERSON OPERATING  
2 PURSUANT TO A BREWER'S LICENSE AS PROVIDED IN SECTION FIFTY-ONE OF THE  
3 ALCOHOLIC BEVERAGE CONTROL LAW WHO PRODUCES LESS THAN SIXTY THOUSAND  
4 BARRELS OF BEER A YEAR, or a person operating pursuant to any combina-  
5 tion of such licenses, shall not be subject to any of the requirements  
6 of this subdivision.

7 S 2. This act shall take effect immediately.