

STATE OF NEW YORK

4631--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. HAWLEY, SMULLEN, ANGELINO, GALLAHAN, LEMONDES, DeSTEFANO, DURSO -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to creating a local food and products sourcing tax credit

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 210-B of the tax law is amended by adding a new
2 subdivision 55 to read as follows:

3 55. Local food and products sourcing tax credit. 1. Businesses subject
4 to tax liability under article nine or nine-A of this chapter may claim
5 the local foods and products sourcing tax credit against any such
6 liability at the close of the tax year provided, however, that the
7 unused portion of any tax credit claimed shall not be carried forward
8 and applied in another tax year.

9 2. For the purposes of this section the following terms shall have the
10 following meanings:

11 (a) "local products", are any products grown, raised, produced, or
12 manufactured by a producer within the state of New York, from seed or
13 conception through final product;

14 (b) "producer", is an individual (whether acting individually or
15 through a cooperative, corporation, partnership, business association,
16 or educational institution) who is a farmer, student farmer, or manufac-
17 turer of foods or goods in New York state, it shall not however include
18 a wholesaler or distributor;

19 (c) "net sales", are the total sales of the business subject to tax.

20 3. The amount of the credit shall be proscribed according to the
21 following schedule:

22 (a) twenty percent of net sales are attributed to local products the
23 credit shall be one thousand five hundred dollars.

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

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1 (b) forty percent of net sales are attributed to local products the
2 credit shall be three thousand dollars.

3 (c) sixty percent of net sales are attributed to local products the
4 credit shall be six thousand dollars.

5 (d) eighty percent of net sales are attributed to local products the
6 credit shall be twelve thousand dollars.

7 (e) one hundred percent of net sales are attributed to local products
8 the credit shall be twenty-five thousand dollars.

9 4.(a) Businesses claiming the local food and products sourcing tax
10 credit shall submit a computer-generated report with tax returns that
11 claim a tax credit.

12 (b) Such report shall include the name of the producer and the phys-
13 ical place of the business where the products are produced.

14 (c) The amount paid by grocer or business to the producer and the
15 amount of units purchased.

16 § 2. This act shall take effect immediately. Effective immediately the
17 addition, amendment and/or repeal of any rule or regulation necessary
18 for the implementation of this act on its effective date are authorized
19 to be made on or before such date.