

STATE OF NEW YORK

7621

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

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

AN ACT to amend the tax law, in relation to establishing the New York brewery empowerment and economic revitalization credit

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

1 Section 1. The tax law is amended by adding a new section 37-a to read
2 as follows:

3 § 37-a. New York brewery empowerment and economic revitalization cred-
4 it. (a) General. A taxpayer subject to tax under article nine-A or
5 twenty-two of this chapter, that is registered as a distributor under
6 article eighteen of this chapter and produces beer in this state in the
7 taxable year shall be allowed a credit against such taxes in the amount
8 specified in subdivision (b) of this section and pursuant to the
9 provisions referenced in subdivision (d) of this section. Provided,
10 however, that no credit shall be allowed unless a taxpayer meets the
11 eligibility criteria described in subdivision (e) of this section.

12 (b) Amount of credit. The amount of the credit per taxpayer per taxa-
13 ble year (or pro rata share of earned credit in the case of a partner-
14 ship) for each gallon of beer produced in this state shall be seven
15 cents per gallon. Provided, however, that no taxpayer shall receive a
16 credit in excess of five million dollars.

17 (c) Other tax credits. A taxpayer claiming the credit allowed under
18 this section shall not be allowed to claim the tax credit provided in
19 section thirty-seven of this article for the production of beer.

20 (d) Cross references. For application of the credit provided for in
21 this section, see the following provisions of this chapter:

22 (1) Article 9-A: Section 210-B, subdivision 39-a.

23 (2) Article 22: Section 606, subsection (qqq) and subsection (i),
24 paragraph 1, subparagraph (B), clause (lii).

25 (e) Eligibility criteria. To qualify for the credit under this
26 section, a taxpayer shall attach to its tax return, in the form
27 prescribed by the commissioner of labor, proof of receipt of its certifi-
28 cate of tax credit issued pursuant to subdivision (f) of this section.

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

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1 that certifies for the taxable year that employees at breweries operated
2 by the taxpayer and employed by the taxpayer were paid on average no
3 less than one hundred twenty-five percent of the statewide average wage
4 for brewery employees, as determined by the department of labor's quar-
5 terly census of employment and wages.

6 (f) (1) The commissioner of labor, in collaboration with the commis-
7 sioner, shall develop methodology to certify that a taxpayer has
8 complied with the requirements of this section within one hundred eighty
9 days of the publication of the latest department of labor's quarterly
10 census of employment and wages and issue a certificate of tax credit.

11 (2) For purposes of this section, "certificate of tax credit" means
12 the document issued to a taxpayer by the department of labor after the
13 commissioner of labor has verified that the taxpayer has met all appli-
14 cable eligibility criteria set forth in this section. Such certificate
15 shall specify the exact amount of the tax credit under this section that
16 a taxpayer may claim.

17 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
18 sion 39-a to read as follows:

19 39-a. New York brewery empowerment and economic revitalization credit.
20 A taxpayer shall be allowed a credit, to be computed as provided in
21 section thirty-seven-a of this chapter, against the tax imposed by this
22 article. In no event shall the credit allowed under this subdivision
23 for any taxable year reduce the tax due for such year to less than the
24 amount prescribed in paragraph (d) of subdivision one of section two
25 hundred ten of this article. However, if the amount of credit allowed
26 under this subdivision for any taxable year reduces the tax to such
27 amount or if the taxpayer otherwise pays tax based on the fixed dollar
28 minimum amount, any amount of credit thus not deductible in such taxable
29 year shall be treated as an overpayment of tax to be credited or
30 refunded in accordance with the provisions of section one thousand
31 eighty-six of this chapter. Provided, however, the provisions of
32 subsection (c) of section one thousand eighty-eight of this chapter
33 notwithstanding, no interest shall be paid thereon.

34 § 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
35 of the tax law is amended by adding a new clause (lii) to read as
36 follows:

37 <u>(lii) New York brewery empowerment</u>	<u>Amount of credit under</u>
38 <u>and economic revitalization credit</u>	<u>subdivision thirty-nine-a of</u>
39 <u>under subsection (qqq)</u>	<u>section two hundred ten-B</u>

40 § 4. Section 606 of the tax law is amended by adding a new subsection
41 (qqq) to read as follows:

42 (qqq) New York brewery empowerment and economic revitalization credit.
43 A taxpayer shall be allowed a credit, to be computed as provided in
44 section thirty-seven-a of this chapter, against the tax imposed by this
45 article. If the amount of the credit allowed under this subsection for
46 any taxable year shall exceed the taxpayer's tax for such year, the
47 excess shall be treated as an overpayment of tax to be credited or
48 refunded in accordance with the provisions of section six hundred eight-
49 y-six of this article, provided, however, that no interest shall be paid
50 thereon.

51 § 5. This act shall take effect immediately.