S T A T E O F N E W Y O R K

5030

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY -- Multi-Sponsored by -- M. of A. CAHILL, CLARK, KOON, WEISENBERG -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to eliminating deductibility for certain expenses incurred in the advertising of prescription drugs

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

Section 1. Paragraph (b) of subdivision 9 of section 208 of the tax law is amended by adding a new subparagraph 20 to read as follows:

(20) EXPENSES INCURRED BY A MANUFACTURER OR DISTRIBUTOR OF A DRUG, THE DISPENSING OF WHICH TO A CONSUMER WITHOUT A PRESCRIPTION IS PROHIBITED BY EITHER FEDERAL OR STATE LAW, FOR THE ADVERTISING OF SUCH DRUG TO CONSUMERS.

S 2. Subsection (b) of section 612 of the tax law is amended by adding a new paragraph 39 to read as follows:

(39) EXPENSES INCURRED BY A MANUFACTURER OR DISTRIBUTOR OF A DRUG, THE DISPENSING OF WHICH TO A CONSUMER WITHOUT A PRESCRIPTION IS PROHIBITED BY EITHER FEDERAL OR STATE LAW, FOR THE ADVERTISING OF SUCH DRUG TO CONSUMERS.

S 3. This act shall take effect immediately and shall apply to taxable years beginning on or after January first of the year in which it shall have become a law.

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

LBD08274-01-9