

STATE OF NEW YORK

6491

2017-2018 Regular Sessions

IN ASSEMBLY

March 7, 2017

Introduced by M. of A. SCHIMMINGER, MAGEE, THIELE -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to increasing the exemption from sales and use taxes for food and drink sold through any vending machine

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

1 Section 1. Paragraph 1 of subdivision (a) of section 1115 of the tax
2 law, as amended by section 1 of part II of chapter 59 of the laws of
3 2014, is amended to read as follows:

4 (1) Food, food products, beverages, dietary foods and health supple-
5 ments, sold for human consumption but not including (i) candy and
6 confectionery, (ii) fruit drinks which contain less than seventy percent
7 of natural fruit juice, (iii) soft drinks, sodas and beverages such as
8 are ordinarily dispensed at soda fountains or in connection therewith
9 (other than coffee, tea and cocoa) and (iv) beer, wine or other alcohol-
10 ic beverages, all of which shall be subject to the retail sales and
11 compensating use taxes, whether or not the item is sold in liquid form.
12 The food and drink excluded from the exemption provided by this para-
13 graph under subparagraphs (i), (ii) and (iii) of this paragraph shall be
14 exempt under this paragraph when sold for [~~one dollar and fifty cents~~
15 two dollars or less through any vending machine activated by the use of
16 coin, currency, credit card or debit card. With the exception of the
17 provision in this paragraph providing for an exemption for certain food
18 or drink sold for [~~one dollar and fifty cents~~ two dollars or less
19 through vending machines, nothing herein shall be construed as exempting
20 food or drink from the tax imposed under subdivision (d) of section
21 eleven hundred five of this article.

22 § 2. This act shall take effect on the first day of the sales tax
23 quarterly period, as described in subdivision (b) of section 1136 of the
24 tax law, beginning at least 90 days after the date this act shall have
25 become a law and shall apply in accordance with the applicable transi-
26 tional provisions of sections 1106 and 1217 of the tax law.

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

LBD09071-01-7