STATE OF NEW YORK

8957

IN SENATE

June 7, 2018

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the tax law, in relation to establishing the buy New York produce tax credit

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

Section 1. Section 210-B of the tax law is amended by adding a new subdivision 53 to read as follows:

53. Buy New York produce tax credit. (a) Amount of credit. A taxpayer shall be allowed a credit against the tax imposed by this article for purchasing New York produced farm products. The amount of the credit shall be equal to ten percent of the total receipts of New York produced farm products that are purchased by the taxpayer in a taxable year not to exceed one thousand dollars in a taxable year.

(b) Credit limitation. The total amount of credit to be provided statewide shall not exceed five million dollars in a taxable year.

(c) Eligibility. A taxpayer shall be eligible for the credit allowed pursuant to this subdivision if such taxpayer is a food service establishment as such term is defined in paragraph (d) of this subdivision.

(d) Definitions. (i) The term "food service establishment" shall mean a place where food is prepared and intended for individual portion service and includes the site at which the individual portions are provided, whether consumption occurs on or off the premises. Such term shall not include food processing establishments, retail food stores, private homes where food is prepared or served for family consumption, and food service operations where a distinct group mutually provides, prepares, serves, and consumes the food limited to a congregation, club, or fraternal organization.

(ii) The term "New York produced farm products" shall mean farm products grown, produced, or harvested in New York state by an association of producers or growers that produce or grow eggs, livestock, fish, dairy products (excluding milk), juice, grains, and species of fresh fruits and vegetables.

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

LBD15903-01-8

(e) Carryover. If the amount of credit allowable under this subdivision for any taxable year shall exceed the taxpayer's tax for such year, the excess may be carried over to the following year or years, and may be deducted from the taxpayer's tax for such year or years.

§ 2. This act shall take effect immediately.