

# STATE OF NEW YORK

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5185

2019-2020 Regular Sessions

## IN ASSEMBLY

February 7, 2019

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

AN ACT to amend the tax law, in relation to prohibiting the empire state film production credit for films which feature smoking and associated paraphernalia

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

1 Section 1. Paragraph 3 of subdivision (b) of section 24 of the tax  
2 law, as amended by section 1 of part B of chapter 59 of the laws of  
3 2013, is amended to read as follows:

4 (3) "Qualified film" means a feature-length film, television film,  
5 relocated television production, television pilot and/or each episode of  
6 a television series, regardless of the medium by means of which the  
7 film, pilot or episode is created or conveyed. "Qualified film" shall  
8 not include (i) a documentary film, news or current affairs program,  
9 interview or talk program, "how-to" (i.e., instructional) film or  
10 program, film or program consisting primarily of stock footage, sporting  
11 event or sporting program, game show, award ceremony, film or program  
12 intended primarily for industrial, corporate or institutional end-users,  
13 fundraising film or program, daytime drama (i.e., daytime "soap opera"),  
14 commercials, music videos or "reality" program, ~~[ex]~~ (ii) a production  
15 for which records are required under section 2257 of title 18, United  
16 States code, to be maintained with respect to any performer in such  
17 production (reporting of books, films, etc. with respect to sexually  
18 explicit conduct), or (iii) any production that depicts or refers to any  
19 tobacco product or non-pharmaceutical nicotine delivery device or its  
20 use, associated paraphernalia or related trademarks or promotional mate-  
21 rial.

22 § 2. This act shall take effect immediately.

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

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