

# STATE OF NEW YORK

5275

2019-2020 Regular Sessions

## IN SENATE

April 23, 2019

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law, in relation to creating a local food and products sourcing tax credit

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

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

3 53. Local food and products sourcing tax credit. 1. Businesses subject  
4 to tax liability under article nine or nine-A of this chapter may claim  
5 the local foods and products sourcing tax credit against any such  
6 liability at the close of the tax year provided, however, that the  
7 unused portion of any tax credit claimed shall not be carried forward  
8 and applied in another tax year.

9 2. For the purposes of this section the following terms shall have the  
10 following meanings:

11 (a) "local products", are any products grown, raised, produced, or  
12 manufactured by a producer within the state of New York, from seed or  
13 conception through final product;

14 (b) "producer", is an individual (whether acting individually or  
15 through a cooperative, corporation, partnership, business association,  
16 or educational institution) who is a farmer, student farmer, or manufac-  
17 turer of foods or goods in New York state, it shall not however include  
18 a wholesaler or distributor;

19 (c) "net sales", are the total sales of the business subject to tax.

20 3. The amount of the credit shall be proscribed according to the  
21 following schedule:

22 (a) twenty percent of net sales are attributed to local products the  
23 credit shall be one thousand five hundred dollars.

24 (b) forty percent of net sales are attributed to local products the  
25 credit shall be three thousand dollars.

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

LBD02111-01-9

1 (c) sixty percent of net sales are attributed to local products the  
2 credit shall be six thousand dollars.

3 (d) eighty percent of net sales are attributed to local products the  
4 credit shall be twelve thousand dollars.

5 (e) one hundred percent of net sales are attributed to local products  
6 the credit shall be twenty-five thousand dollars.

7 4.(a) Businesses claiming the local food and products sourcing tax  
8 credit shall submit a computer-generated report with tax returns that  
9 claim a tax credit.

10 (b) Such report shall include the name of the producer and the phys-  
11 ical place of the business where the products are produced.

12 (c) The amount paid by grocer or business to the producer and the  
13 amount of units purchased.

14 § 2. This act shall take effect immediately. Effective immediately the  
15 addition, amendment and/or repeal of any rule or regulation necessary  
16 for the implementation of this act on its effective date are authorized  
17 to be made on or before such date.