

STATE OF NEW YORK

751

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

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

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

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

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

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

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

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

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

10 § 2. This act shall take effect immediately.