

# STATE OF NEW YORK

6137

2019-2020 Regular Sessions

## IN ASSEMBLY

February 28, 2019

Introduced by M. of A. SCHIMMINGER, LUPARDO, THIELE, BARNWELL, MAGNARELLI, WEPRIN, HYNDMAN, D'URSO, GUNTHER, ABBATE, HUNTER, VANEL, GOTTFRIED, JEAN-PIERRE -- Multi-Sponsored by -- M. of A. PRETLOW -- 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; and to amend chapter 63 of the laws of 2000, amending the tax law relating to providing a sales or compensating use tax exemption for certain sales of food or drink made through vending machines, in relation to the effectiveness thereof

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 and fifty cents or less through any vending machine acti-  
16 vated by the use of coin, currency, credit card or debit card. With the  
17 exception of the provision in this paragraph providing for an exemption  
18 for certain food or drink sold for [~~one dollar and fifty cents~~ two  
19 dollars and fifty cents or less through vending machines, nothing herein

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

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1 shall be construed as exempting food or drink from the tax imposed under  
2 subdivision (d) of section eleven hundred five of this article.

3 § 2. Section 2 of part O of chapter 63 of the laws of 2000, amending  
4 the tax law relating to providing a sales or compensating use tax  
5 exemption for certain sales of food or drink made through vending  
6 machines, is amended to read as follows:

7 § 2. This act shall take effect September 1, 2000 and shall apply to  
8 sales made and uses occurring on and after such date, although made or  
9 occurring under a prior contract; provided, however, this act shall  
10 expire and be deemed repealed December 31, 2023.

11 § 3. This act shall take effect immediately, provided, however,  
12 section one of this act shall take effect on the first day of the sales  
13 tax quarterly period, as described in subdivision (b) of section 1136 of  
14 the tax law, beginning at least 90 days after the date this act shall  
15 have become a law and shall apply in accordance with the applicable  
16 transitional provisions of sections 1106 and 1217 of the tax law.