STATE OF NEW YORK

4367--A

2019-2020 Regular Sessions

IN SENATE

March 11, 2019

Introduced by Sens. KAPLAN, ADDABBO, AKSHAR, BAILEY, BOYLE, BRESLIN, BROOKS, CARLUCCI, COMRIE, GAUGHRAN, GOUNARDES, HARCKHAM, HELMING, KAMINSKY, LANZA, RANZENHOFER, SANDERS, SAVINO, SEPULVEDA, SEWARD, SKOUFIS, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue -- recommitted to the Committee on Budget and Revenue in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

Section 1. Paragraph 1 of subdivision (a) of section 1115 of the tax law, as amended by section 1 of part CCC of chapter 59 of the laws of 2019, is amended to read as follows:

(1) (A) Food, food products, beverages, dietary foods and health supplements, sold for human consumption but not including (i) candy and confectionery, (ii) fruit drinks which contain less than seventy percent of natural fruit juice, (iii) soft drinks, sodas and beverages such as are ordinarily dispensed at soda fountains or in connection therewith (other than coffee, tea and cocoa) and (iv) beer, wine or other alcoholic beverages, all of which shall be subject to the retail sales and compensating use taxes, whether or not the item is sold in liquid form. Nothing in this subparagraph shall be construed as exempting food or drink from the tax imposed under subdivision (d) of section eleven hundred five of this article.

(B) Until [~~May thirty-first, two thousand twenty-one~~] **December thirty-first, two thousand twenty-three**, the food and drink excluded from the exemption provided by clauses (i), (ii) and (iii) of subparagraph (A) of this paragraph, and bottled water, shall be exempt under this

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

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subparagraph when sold for [~~one dollar and fifty cents~~] **two dollars and fifty cents** or less through any vending machine that accepts coin or currency only or when sold for two dollars **and fifty cents** or less through any vending machine that accepts any form of payment other than coin or currency, whether or not it also accepts coin or currency.

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