STATE OF NEW YORK

2473

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. REYES, STIRPE, SEAWRIGHT, THIELE, ENGLEBRIGHT, EICHENSTEIN, JACOBSON, ROZIC, PERRY, CUSICK, COLTON, RICHARDSON, FRONTUS, BYRNE, BRABENEC, DINOWITZ, NORRIS, MONTESANO -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a tax credit for the purchase of personal protective equipment (PPE) by employers

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

Section 1. Section 210-B of the tax law is amended by adding a new subdivision 55 to read as follows:

55. Credit for the purchase of personal protective equipment (PPE) by employers. (a) A taxpayer shall be allowed a credit against the tax imposed by this article for the purchase of personal protective equipment (PPE) for use by such taxpayer's employees. The total amount of the credit shall be the cost incurred in purchasing the personal protective equipment (PPE) not to exceed a maximum credit of five thousand dollars.

(b) For the purposes of this subdivision, the following terms shall have the following meanings:

(i) "taxpayer" shall mean any employer resident in this state employing five hundred or less persons.

(ii) "personal protective equipment (PPE)" shall mean all equipment worn or used to minimize exposure to a communicable disease, including but not limited to gloves, masks and faceshields.

(c) If the amount of credit allowable under this subdivision shall exceed the taxpayer's tax for such year, the excess may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years.

(d) If all or any part of the credit provided for under this subdivision was allowed or carried over from a prior taxable year or years, a taxpayer shall reduce the allowable credit for additional qualifying

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

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expenditures in a subsequent tax year by the amount of the credit previously allowed or carried over.

§ 2. Section 606 of the tax law is amended by adding a new subsection (kkk) to read as follows:

(kkk) Credit for the purchase of personal protective equipment (PPE) by employers. (1) A taxpayer shall be allowed a credit of personal protective equipment (PPE) for use by such taxpayer's employees. The total amount of the credit shall be the cost incurred in purchasing the personal protective equipment (PPE) not to exceed a maximum credit of five thousand dollars.

(2) For the purposes of this subsection, the following terms shall have the following meanings:

(i) "taxpayer" shall mean any employer resident in this state employing five hundred or less persons.

(ii) "personal protective equipment (PPE)" shall mean all equipment worn or used to minimize exposure to a communicable disease, including but not limited to gloves, masks and faceshields.

(3) If the amount of credit allowable under this subsection shall exceed the taxpayer's tax for such year, the excess may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years.

(4) If all or any part of the credit provided for under this subsection was allowed or carried over from a prior taxable year or years, a taxpayer shall reduce the allowable credit for additional qualifying expenditures in a subsequent tax year by the amount of the credit previously allowed or carried over.

§ 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xlvi) to read as follows:

(xlvi) Credit for the purchase of personal protective equipment (PPE) by employers under subsection (kkk)	Amount of credit under subdivision fifty-five of section two hundred ten-B

§ 4. This act shall take effect immediately, and shall apply to the taxable year in which it takes effect and all subsequent taxable years.