STATE OF NEW YORK

3142

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the economic development law and the tax law, in relation to providing assistance to small businesses' employers in the procurement and purchasing of personal protective equipment

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

Section 1. Section 134 of the economic development law is amended by adding a new subdivision 13 to read as follows:

13. make bulk purchases of personal protective equipment (PPE) and make such PPE available, at cost, to small businesses as defined in this article. For purposes of this subdivision "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.

§ 2. 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 small business employers. (a) A taxpayer who is a small business, as defined in section one hundred thirty-one of the economic development law, 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).

(b) For the purposes of this subdivision "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

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

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

§ 3. 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 small business employers. (1) A taxpayer who is a small business, as defined in section one hundred thirty-one of the economic development law, 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).

(2) For the purposes of this subsection "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.

§ 4. 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 small business employers under subsection (kkk)	Amount of credit under subdivision fifty-five of section two hundred ten-B

§ 5. This act shall take effect immediately; provided that sections two, three and four of this act shall apply to taxable years beginning on and after January 1, 2020.