

STATE OF NEW YORK

8049

IN SENATE

January 21, 2022

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law, in relation to exempting certain property and services used in the cultivation of cannabis for adult-use from sales and compensating use taxes

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

1 Section 1. Paragraph 6 of subdivision (a) of section 1115 of the tax
2 law, as amended by section 5 of part B of chapter 63 of the laws of
3 2000, is amended to read as follows:

4 (6) (A) Tangible personal property, whether or not incorporated in a
5 building or structure, for use or consumption predominantly [~~either~~] in
6 the production for sale of tangible personal property by farming [~~or~~],
7 in a commercial horse boarding operation, or [~~in both~~] in the culti-
8 vation of cannabis for adult-use pursuant to an adult-use cultivator
9 license, an adult-use cooperative license, or a microbusiness license
10 pursuant to article four of the cannabis law.

11 (B) With respect to the exemption of motor vehicles under this para-
12 graph, (i) use of a motor vehicle [~~either~~] in the production phase of
13 farming [~~or~~], in a commercial horse boarding operation, or [~~in both~~] in
14 the cultivation of cannabis for adult-use pursuant to an adult-use
15 cultivator license, an adult-use cooperative license, or a microbusiness
16 license pursuant to article four of the cannabis law shall be defined as
17 any use of the motor vehicle on property [~~either~~] farmed [~~or~~], used in a
18 commercial horse boarding operation, or [~~both~~] used in the cultivation
19 of cannabis for adult-use pursuant to an adult-use cultivator license,
20 an adult-use cooperative license, or a microbusiness license pursuant to
21 article four of the cannabis law, by the motor vehicle purchaser or user
22 or in direct and uninterrupted trips between properties farmed or used
23 in such operation[~~, or both,~~] or cultivation by the motor vehicle
24 purchaser or user, and (ii) "predominantly" shall mean that more than
25 fifty percent of the motor vehicle's use is either in the production
26 phase of farming [~~or~~], in a commercial horse boarding operation, or in
27 [~~both~~] the cultivation of cannabis for adult-use pursuant to an adult-

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

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1 use cultivator license, an adult-use cooperative license, or a micro-
2 business license pursuant to article four of the cannabis law. The
3 percentage of such vehicle's use [~~either~~] in the production phase of
4 farming [~~or~~], in a commercial horse boarding operation, or in [~~both~~] the
5 cultivation of cannabis for adult-use pursuant to an adult-use cultiva-
6 tor license, an adult-use cooperative license, or a microbusiness
7 license pursuant to article four of the cannabis law, may be computed
8 either on the basis of mileage or hours of use, at the discretion of the
9 motor vehicle purchaser or user. A person may purchase a motor vehicle
10 qualifying for exemption under this paragraph without payment of tax
11 imposed by section eleven hundred five or eleven hundred ten of this
12 article by furnishing the vendor a properly completed exemption certif-
13 icate promulgated by the commissioner; and such purchaser may register
14 such vehicle or apply for a certificate of title for such vehicle with
15 the commissioner of motor vehicles or a county clerk, without payment of
16 such taxes, by furnishing such a properly completed certificate to such
17 commissioner or clerk.
18 § 2. This act shall take effect immediately.