

# STATE OF NEW YORK

9540

## IN SENATE

August 24, 2022

Introduced by Sen. WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law and the tax law, in relation to enacting the "opened physician entrance (OPEN) act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "opened physician entrance (OPEN) act".

3 § 2. Section 378 of the executive law is amended by adding a new  
4 subdivision 3-a to read as follows:

5 3-a. a. Standards for installation of automatic entry doors requiring  
6 that:

7 (i) every health care provider's office that provides outpatient  
8 medical services shall have installed at least one automatic entry door  
9 that accomodates persons with a disability;

10 (ii) such entry door shall be capable of being operated electron-  
11 ically, either by sensor or wall switch; and

12 (iii) such entry door shall allow entrance to areas of such office  
13 that are intended to be accessed by patients, including a waiting room.

14 b. For the purposes of this subdivision, "person with a disability"  
15 means any person with a disability as that term is defined in subdivi-  
16 sion twenty-one of section two hundred ninety-two of this chapter.

17 § 3. Section 606 of the tax law is amended by adding a new subsection  
18 (ooo) to read as follows:

19 (ooo) Automatic entry doors tax credit for health care providers. (1)  
20 Allowance of credit. For taxable years beginning on or after January  
21 first, two thousand twenty-three, a taxpayer shall be allowed a credit,  
22 to be computed as hereinafter provided, against the tax imposed by this  
23 article. The amount of the credit shall be up to two thousand dollars of  
24 the cost of installation of an automatic entry door by a health care  
25 provider as required by article eighteen of the executive law, provided,  
26 however, that this subsection shall apply only to health care providers  
27 who did not already have an automatic entry door as of the effective  
28 date of this subsection.

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

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1 (2) Application of credit. If the amount of the credit allowed under  
2 this subsection for any taxable year shall exceed the taxpayer's tax for  
3 such year, the excess shall be treated as an overpayment of tax to be  
4 credited or refunded in accordance with the provisions of section six  
5 hundred eighty-six of this article, provided, however, that no interest  
6 shall be paid thereon.

7 § 4. Section 210-B of the tax law is amended by adding a new subdivi-  
8 sion 59 to read as follows:

9 59. Automatic entry doors tax credit for health care providers.

10 (1) Allowance of credit. For taxable years beginning on or after Janu-  
11 ary first, two thousand twenty-three, a taxpayer shall be allowed a  
12 credit, to be computed as hereinafter provided, against the tax imposed  
13 by this article. The amount of the credit shall be up to two thousand  
14 dollars of the cost of installation of an automatic entry door by a  
15 health care provider as required by article eighteen of the executive  
16 law, provided, however, that this subdivision shall apply only to health  
17 care providers who did not already have an automatic entry door as of  
18 the effective date of this subdivision.

19 (2) Application of credit. The credit allowed under this subdivision  
20 for any taxable year shall not reduce the tax due for such year to less  
21 than the fixed dollar minimum amount prescribed in paragraph (d) of  
22 subdivision one of section two hundred ten of this chapter. However, if  
23 the amount of credit allowed under this subdivision for any taxable year  
24 reduces the tax to such amount or if the taxpayer otherwise pays tax  
25 based on the fixed dollar minimum amount, any amount of credit thus not  
26 deductible in such taxable year shall be treated as an overpayment of  
27 tax to be credited or refunded in accordance with the provisions of  
28 section one thousand eighty-six of this chapter. Provided, however, the  
29 provisions of subsection (c) of section one thousand eighty-eight of  
30 this chapter notwithstanding, no interest shall be paid thereon.

31 § 5. This act shall take effect on the ninetieth day after it shall  
32 have become a law. Effective immediately, the addition, amendment and/or  
33 repeal of any rule or regulation necessary for the implementation of  
34 this act on its effective date are authorized to be made and completed  
35 on or before such effective date.