# STATE OF NEW YORK

8853

# IN SENATE

March 21, 2024

Introduced by Sen. HELMING -- 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 establishing the New York manufacturing adequate domestic equipment credit (NY MADE)

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

Section 1. The tax law is amended by adding a new section 49 to read as follows:

**§ 49. New York manufacturing adequate domestic equipment credit (NY MADE). (a) General. A taxpayer subject to tax under article nine-A or twenty-two of this chapter, produces medical equipment or personal protective equipment, as defined in paragraph (a) of subdivision two of section one hundred forty-eight of the state finance law, in this state during the taxable year, shall be allowed a credit against such taxes in the amount specified in subdivision (b) of this section and pursuant to the provisions referenced in subdivision (c) of this section. For the purposes of this section, "medical equipment" shall mean machinery, apparatus, and other devices which are intended for use in the cure, mitigation, treatment or prevention of illnesses or diseases or the correction or alleviation of physical incapacity in human beings. Such equipment must be primarily and customarily used for medical purposes and not be generally useful in the absence of illness, injury, or physical incapacity.**

**(b) The amount of the credit per taxpayer per taxable year (or pro rata share of earned credit in the case of a partnership) for production of medical equipment or personal protective equipment, as defined in paragraph (a) of subdivision two of section one hundred forty-eight of the state finance law, shall be determined as follows:**

**(1) for taxpayers who are currently producing medical equipment or personal protective equipment, as defined in paragraph (a) of subdivision two of section one hundred forty-eight of the state finance law, or were producing medical equipment or personal protective equipment, as defined in paragraph (a) of subdivision two of section one hundred forty-eight of the state finance law, in calendar year two thousand**

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

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twenty-four or in January two thousand twenty-five, the credit shall be twenty percent of the wholesale market value of such supplies produced in excess of the monthly average production for the two thousand twenty-four calendar year or monthly average production equivalent if such supplies were not produced for the entire calendar year; or

(2) for taxpayers who have not produced such supplies prior to the enactment date of this section, thirty percent of the wholesale market value of such supplies produced.

(c) Cross-references. For application of the credit provided for in this section, see the following provisions of this chapter:

(1) Article 9-A: Section 210-B, subdivision 60.

(2) Article 22: Section 606, subsections (i) and (a-3).

§ 2. Section 210-B of the tax law is amended by adding a new subdivision 60 to read as follows:

60. New York manufacturing adequate domestic equipment credit (NY MADE). A taxpayer shall be allowed a credit, to be computed as provided in section forty-nine of this chapter, against the tax imposed by this article. In no event shall the credit allowed under this subdivision for any taxable year reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of this section. However, if the amount of credit allowed under this subdivision for any taxable year reduces the tax to such amount, any amount of credit thus not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest shall be paid thereon.

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

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| (li) New York Manufacturing Adequate Domestic Equipment credit (NY MADE) under subsection (a-3) | Amount of credit under subdivision sixty of section two hundred ten-B |

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

(a-3) New York Manufacturing Adequate Domestic Equipment credit (NY MADE). A taxpayer shall be allowed a credit, to be computed as provided in section forty-nine of this chapter, against the tax imposed by this article. If the amount of the credit allowed under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

§ 5. This act shall take effect immediately, and shall apply to taxable years beginning on or after January 1, 2025.