STATE OF NEW YORK

10670

IN ASSEMBLY

March 20, 2026

Introduced by M. of A. CHLUDZINSKI -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to exempting precious metal bullion sold for investment from retail sales taxes

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

Section 1. Paragraph 27 of subdivision (a) of section 1115 of the tax law, as amended by chapter 147 of the laws of 1995, is amended to read as follows:

(27) Precious metal bullion sold for investment, provided that (i) the retailer, if so required, is registered pursuant to section three hundred fifty-nine-e of the general business law and (ii) the receipt or consideration given or contracted to be given for such bullion depends only on the value of the metal content of such bullion. "Precious metal bullion" means bars, ingots or coins of gold, silver, platinum, palladium, rhodium, ruthenium or iridium, but shall not include bars, ingots or coins which have been manufactured, processed, assembled, fabricated or used for an industrial, professional, esthetic or artistic purpose. Precious metal bullion shall be deemed to be sold for investment when [~~it is sold for more than one thousand dollars and~~] the purchaser or user or agent of either of them holds it in the same form as when it was purchased and does not manufacture, process, assemble or fabricate such bullion for its own use. For purposes of this paragraph, the receipt or consideration given or contracted to be given shall be deemed to depend only on the value of the metal content if, at the time of sale or purchase at retail, such receipt or consideration does not exceed (i) one hundred forty percent, with respect to silver coins, or (ii) one hundred twenty percent, with respect to gold coins weighing one-quarter of an ounce or less, or (iii) one hundred fifteen percent, with respect to other coins, of the greater of (A) the daily closing bullion cash price of such metal in the open market or (B) the coins' face value at prevailing rates of exchange, or (iv), with respect to bars and ingots, one hundred fifteen percent of such bullion cash price of such metal.

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

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Where there is no such closing price for such metal, the average of the bid and asked cash prices shall be substituted for such closing price.

§ 2. This act shall take effect on the first day of the sales tax quarterly period, as described in subdivision (b) of section 1136 of the tax law, next commencing at least 90 days after this act shall have become a law and shall apply to sales made on or after such date.