

STATE OF NEW YORK

10429

IN ASSEMBLY

March 6, 2026

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

AN ACT to amend the tax law, in relation to clarifying that admission charges for a comedy performance are eligible for an exemption on sales tax

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

1 Section 1. Paragraph 5 of subdivision (d) of section 1101 of the tax
2 law, as added by chapter 93 of the laws of 1965, is amended to read as
3 follows:

4 (5) Dramatic or musical arts admission charge. Any admission charge
5 paid for admission to a theatre, opera house, concert hall or other hall
6 or place of assembly for a live dramatic, choreographic, scripted or
7 unscripted stand-up comedy or musical performance.

8 § 2. Paragraph 12 of subdivision (d) of section 1101 of the tax law,
9 as amended by chapter 609 of the laws of 1986, is amended to read as
10 follows:

11 (12) Roof garden, cabaret or other similar place. (A) Any roof garden,
12 cabaret or other similar place which furnishes a public performance for
13 profit, but not including a place where merely live dramatic or musical
14 arts performances are offered in conjunction with the serving or selling
15 of food, refreshment or merchandise, so long as such serving or selling
16 of food, refreshment or merchandise is merely incidental to such
17 performances~~[-]; or~~

18 (B) Any establishment which provides live, scripted or unscripted
19 stand-up comedy or similar comedic entertainment or comedic performances
20 upon a designated stage or area used primarily for such performances, in
21 conjunction with the serving or selling of food, refreshment or merchan-
22 dise, and which imposes a separate admission charge to view such
23 performance, shall be deemed a roof garden, cabaret or other similar
24 place for purposes of section eleven hundred twenty-three of this arti-
25 cle.

26 § 3. This act shall take effect on the first day of a sales tax quar-
27 terly period, as described in subdivision (b) of section 1136 of the tax
28 law, next commencing at least 60 days after this act shall have become a
29 law and shall apply in accordance with the applicable transitional
30 provisions of sections 1106 and 1217 of the tax law.

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

LBD14911-01-6