# STATE OF NEW YORK

7621

2025-2026 Regular Sessions

# IN ASSEMBLY

April 1, 2025

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

AN ACT to amend the tax law, in relation to establishing the New York brewery empowerment and economic revitalization credit

**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 37-a to read as follows:

<u>§ 37-a. New York brewery empowerment and economic revitalization credit. (a) General. A taxpayer subject to tax under article nine-A or twenty-two of this chapter, that is registered as a distributor under article eighteen of this chapter and produces beer in this state in 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 (d) of this section. Provided, however, that no credit shall be allowed unless a taxpayer meets the eligibility criteria described in subdivision (e) of this section.</u>

<u>(b) Amount of credit. The amount of the credit per taxpayer per taxable year (or pro rata share of earned credit in the case of a partnership) for each gallon of beer produced in this state shall be seven cents per gallon. Provided, however, that no taxpayer shall receive a credit in excess of five million dollars.</u>

<u>(c) Other tax credits. A taxpayer claiming the credit allowed under this section shall not be allowed to claim the tax credit provided in section thirty-seven of this article for the production of beer.</u>

<u>(d) Cross references. For application of the credit provided for in this section, see the following provisions of this chapter:</u>

<u>(1) Article 9-A: Section 210-B, subdivision 39-a.</u>

<u>(2) Article 22: Section 606, subsection (qqq) and subsection (i), paragraph 1, subparagraph (B), clause (lii).</u>

<u>(e) Eligibility criteria. To qualify for the credit under this section, a taxpayer shall attach to its tax return, in the form prescribed by the commissioner of labor, proof of receipt of its certificate of tax credit issued pursuant to subdivision (f) of this section,</u>

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

LBD10822-01-5

that certifies for the taxable year that employees at breweries operated by the taxpayer and employed by the taxpayer were paid on average no less than one hundred twenty-five percent of the statewide average wage for brewery employees, as determined by the department of labor's quarterly census of employment and wages.

(f) (1) The commissioner of labor, in collaboration with the commissioner, shall develop methodology to certify that a taxpayer has complied with the requirements of this section within one hundred eighty days of the publication of the latest department of labor's quarterly census of employment and wages and issue a certificate of tax credit.

(2) For purposes of this section, "certificate of tax credit" means the document issued to a taxpayer by the department of labor after the commissioner of labor has verified that the taxpayer has met all applicable eligibility criteria set forth in this section. Such certificate shall specify the exact amount of the tax credit under this section that a taxpayer may claim.

§ 2. Section 210-B of the tax law is amended by adding a new subdivision 39-a to read as follows:

39-a. New York brewery empowerment and economic revitalization credit. A taxpayer shall be allowed a credit, to be computed as provided in section thirty-seven-a 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 section two hundred ten of this article. However, if the amount of credit allowed under this subdivision for any taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum 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 (lii) to read as follows:

| | |
|---|---|
| (lii) New York brewery empowerment and economic revitalization credit under subsection (qqq) | Amount of credit under subdivision thirty-nine-a of section two hundred ten-B |

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

(qqq) New York brewery empowerment and economic revitalization credit. A taxpayer shall be allowed a credit, to be computed as provided in section thirty-seven-a 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.