STATE OF NEW YORK

7875

2025-2026 Regular Sessions

IN SENATE

May 13, 2025

Introduced by Sen. GOUNARDES -- 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 the sales and use tax exemption for certain transactions in precious metal bullion held for investment purposes

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 precious metal bullion is being sold or bought by a central bank, a foreign government, the United Nations, the United States of America or any of the several states or territories thereof, or any of their instrumentalities, agencies or political subdivisions (or any public corporation, including a public corporation created pursuant to an interstate compact, international treaty, or international agreement), and (iii)** 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

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

LBD10975-02-5

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. 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 quarterly sales tax period as set forth in subdivision (b) of section 1136 of the tax law next succeeding the thirtieth day after it shall have become a law; provided, however, that the commissioner of taxation and finance may take any action with respect to the adoption, amendment, suspension or repeal of any rule or regulation relating to this act, and may establish any procedure necessary for the timely implementation of this act on or before the date on which it shall have become a law.