

Tax Law

§496-b. Administrative provisions. (a) The provisions of part four of article twenty-eight of this chapter shall apply to the taxes imposed by section four hundred ninety-three of this article in the same manner and with the same force and effect as if the language of such article had been incorporated in full into this section and had expressly referred to the tax imposed by this article, except to the extent that any provision of such article is either inconsistent with a provision of this article or is not relevant to this article.

(b) (1) All taxes, interest, and penalties collected or received by the commissioner under this article shall be deposited and disposed of pursuant to the provisions of section one hundred seventy-one-a of this chapter, provided that an amount equal to one hundred percent collected under this article less any amount determined by the commissioner to be reserved by the comptroller for refunds or reimbursements shall be paid by the comptroller to the credit of the cannabis revenue fund established by section ninety-nine-ii of the state finance law. Of the total revenue collected or received under this article, the comptroller shall retain such amount as the commissioner may determine to be necessary for refunds. The commissioner is authorized and directed to deduct from the registration fees under subdivision (a) of section four hundred ninety-four of this article, before deposit into the cannabis revenue fund designated by the comptroller, a reasonable amount necessary to effectuate refunds of appropriations of the department to reimburse the department for the costs incurred to administer, collect, and distribute the taxes imposed by this article.

(2) All taxes, interest, and penalties collected or received by the commissioner under subdivision (c) of section four hundred ninety-three of this article shall be deposited and disposed of pursuant to the provisions of section one hundred seventy-one-a of this chapter, provided that an amount equal to one hundred percent collected under such subdivision (c), less any amount determined by the commissioner to be reserved by the comptroller for refunds or reimbursements, shall be paid to the comptroller and the commissioner shall certify to the comptroller the amount of tax, penalties, and interest attributable to retail sales within a city with a population of a million or more and counties (other than a county wholly within such city). Such amount will be distributed by the comptroller to such city and such counties. Such counties shall be entitled to retain twenty-five percent of the monies so distributed. Such counties shall distribute the remaining seventy-five percent of such monies to the towns, villages, and cities within such county in which a retail dispensary is located in proportion to the sales of adult-use cannabis products by the retail dispensaries in such towns, villages and cities as reported by a seed-to-sale system, provided, however, where a retail dispensary is located in a village within a town that both permit cannabis retail sales, then the county shall distribute the monies attributable to such retail dispensary to such town and village in such proportion as may be agreed upon by the elective governing body of such town and of such village or, in the absence of such an agreement, shall evenly divide such monies between such town and village. Such counties shall distribute the monies received for each quarter ending on the last day of February, May, August or November to such towns, villages and cities no later than the thirtieth day after receipt of such monies from the comptroller.