

Sales/Use/Indirect:

New York: ITFA Prohibits Taxation of Email Services Whether or Not Packaged with Other Internet Access

TSB-A-24(4)S, N.Y. Dept. of Tax. & Fin. (6/26/24). A recently posted New York Department of Taxation and Finance advisory opinion involving a New York company that subscribes to a secure hosted exchange service for its business e-mail from a Florida provider concluded that the provider's charge for the e-mail service is *not* subject to New York sales tax, because electronic mail services are included in the federal Internet Tax Freedom Act (ITFA) definition of exempt "internet access," whether provided independently or packaged with other internet access. The opinion notes that the ITFA prohibits states from imposing taxes on internet access and multiple or discriminatory taxes on electronic commerce. Please contact us with any questions.

URL: https://www.tax.ny.gov/pubs_and_bulls/advisory_opinions/sales/24-4s.htm

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