

5984

2009-2010 Regular Sessions

I N S E N A T E

June 19, 2009

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the tax law, in relation to little cigars

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 470 of the tax law, as amended by
2 section 1 of part MM-1 of chapter 57 of the laws of 2008, is amended to
3 read as follows:

4 1. "Cigarette." (a) Any roll for smoking made wholly or in part of
5 tobacco or of any other substance wrapped in paper or in any other
6 substance not containing tobacco, and (b) any roll for smoking made
7 wholly or in part of tobacco wrapped in any substance containing tobacco
8 that, because of its appearance, the type of tobacco used in the filler,
9 or its packaging and labeling, is likely to be offered to, or purchased
10 by, consumers as a cigarette described in paragraph (a) of this subdivi-
11 sion. [However, a roll will not be considered to be a cigarette for
12 purposes of paragraph (b) of this subdivision if it is not treated as a
13 cigarette for federal excise tax purposes under the applicable federal
14 statute in effect on April first, two thousand eight.]

15 S 2. Subdivision 2 of section 470 of the tax law, as amended by
16 section 1 of part MM-1 of chapter 57 of the laws of 2008, is amended to
17 read as follows:

18 2. "Tobacco products." Any cigar, INCLUDING A LITTLE CIGAR, or tobac-
19 co, other than cigarettes, intended for consumption by smoking, chewing,
20 or as snuff.

21 S 3. Section 470 of the tax law is amended by adding a new subdivision
22 2-b to read as follows:

23 2-B. "LITTLE CIGAR." ANY ROLL FOR SMOKING MADE WHOLLY OR IN PART OF
24 TOBACCO IF SUCH PRODUCT IS WRAPPED IN ANY SUBSTANCE CONTAINING TOBACCO,
25 OTHER THAN NATURAL LEAF TOBACCO WRAPPER, AND WEIGHING NOT MORE THAN FOUR
26 AND ONE-HALF POUNDS PER THOUSAND, PROVIDED THAT IF A PRODUCT ALSO MEETS

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

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1 THE DEFINITION OF "CIGARETTE" UNDER THIS ARTICLE, IT SHALL BE TREATED AS
2 A CIGARETTE AND NOT AS A LITTLE CIGAR.

3 S 4. Subdivision 19 of section 470 of the tax law, as added by section
4 1 of part MM-1 of chapter 57 of the laws of 2008, is amended to read as
5 follows:

6 19. "Cigar." Any roll of tobacco wrapped in leaf tobacco or in any
7 substance containing tobacco (other than any roll of tobacco that is a
8 cigarette as defined in subdivision one of this section). [However, a
9 roll will not be considered to be a cigar for purposes of this subdivi-
10 sion if it is not treated as a cigar for federal excise tax purposes
11 under the applicable federal statute in effect on April first, two thou-
12 sand eight.] "CIGAR" SHALL INCLUDE, EXCEPT WHERE EXPRESSLY EXCLUDED, ANY
13 LITTLE CIGAR.

14 S 5. Paragraph (a) of subdivision 1 of section 471-b of the tax law,
15 as amended by section 1 of part I-1 of chapter 57 of the laws of 2009,
16 is amended to read as follows:

17 (a) Such tax on tobacco products other than snuff AND LITTLE CIGARS
18 shall be at the rate of forty-six percent of the wholesale price, and is
19 intended to be imposed only once upon the sale of any tobacco products
20 other than snuff AND LITTLE CIGARS.

21 S 6. Subdivision 1 of section 471-b of the tax law is amended by
22 adding a new paragraph (c) to read as follows:

23 (C) SUCH TAX ON LITTLE CIGARS SHALL BE AT THE SAME RATE IMPOSED ON
24 CIGARETTES UNDER THIS ARTICLE, AS THIS ARTICLE MAY BE AMENDED FROM TIME
25 TO TIME, AND IS INTENDED TO BE IMPOSED ONLY ONCE UPON THE SALE OF ANY
26 LITTLE CIGARS.

27 S 7. Paragraph (i) of subdivision (a) of section 471-c of the tax law,
28 as amended by section 2 of part I-1 of chapter 57 of the laws of 2009,
29 is amended to read as follows:

30 (i) Such tax on tobacco products other than snuff AND LITTLE CIGARS
31 shall be at the rate of forty-six percent of the wholesale price.

32 S 8. This act shall take effect July 1, 2009.